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DONNA & WILLIAM CONN
20306 SEABROOK DRIVE
MONTGOMERY VILLAGE MD 20886

MAILED

MAR 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Patrick D. Jordan et al	:	
Application No. 11/016,139	:	DECISION ON PETITION
Filed: December 17, 2004	:	
Attorney Docket No. IS01645AIC	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 27, 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 October 31, 2007, is accepted as having been unintentionally delayed.

The Power of Attorney submitted with the petition on February 27, 2009, is **improper** because no 3.73(b) signed by Kieran O' Sullivan and James O'Toole were received. However, a statement under 37 CFR 3.73(b) signed by Joanna Skyles was received. Therefore, the Power of Attorney has **not** been entered.

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

This application is being referred to Technology Center AU 2616 for appropriate action by the Examiner in the normal course of business on the reply received February 27, 2009.

Karen Creasy
Petitions Examiner
Office of Petitions

cc:

CONTINENTAL AUTOMOTIVE SYSTEMS
TERNIC AUTOMOTIVE OF NORTH AMERICA, INC.
21440 WEST LAKE COOK ROAD, 7TH FLOOR
DEER PARK, IL 60010

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Continental Automotives Systems, Inc.
Patents & Licenses
21440 WEST LAKE COOK ROAD
Floor 7
DEER PARK, IL 60010

Mail Date: 04/21/2010

Applicant	: Patrick D. Jordan	: DECISION ON REQUEST FOR
Patent Number	: 7623552	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/016,139	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1329** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Steven L. Schmid
1257 Donald Street
Jacksonville FL 32205

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MAR 2 0 2006

OFFICE OF PETITIONS

In re Application of :
Enrique Pallares :
Application No. 11/016,142 :
Filed: December 17, 2004 :
Attorney Docket No. UD10.1 :
Title of Invention: SYSTEM FOR OPERATING :
A PREPAID RELOADABLE DEBIT CARD
HAVING ANCILLARY SERVICES

ON PETITION

This is a decision on the petition under 37 CFR §1.181 filed December 5, 2005 to withdraw the holding of abandonment.

The petition filed under 37 CFR 1.181 is **Granted**.

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts which was mailed on February 1, 2005. The Notice to File Missing Parts set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on April 2, 2005. A Notice of Abandonment was mailed on October 5, 2005.

Petitioner maintains that a response to the Notice to File Missing Parts was mailed on December 5, 2005. Petitioner has provided a copy of the correspondence previously mailed which includes the reply and a statement pursuant to 1.8(b)(3). It is noted the certificate of mailing includes the $85.00 check (no. 2016). However, petitioner has failed to provide a replacement check or authorization to charge the required fees.

The response submitted May 2, 2005 has not been located in the Office. Based on the facts stated in the instant petition and the corroborative evidence provided, it is concluded that the holding of abandonment was improperly imposed.

The Office acknowledges receipt of the declaration submitted on petition. However, it is noted that the declaration does not comply with 37 CFR 1.63 (a)(3). The citizenship is missing.

This application is being forwarded to Office of Initial Patent Examination for review[1] and re-mailing of the Notice of Missing Parts of Nonprovisional Application.

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

Charlema R. Grant

Charlema R. Grant
Petition Attorney
Office of Petitions

[1]It appears applicant should have been required to submit $170 ($65 for surcharge and $105 to make up the $250 search fee for which the Office previously received $145)

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HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH, VA 22042-2924

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MAR 2 2 2006

OFFICE OF PETITIONS

In re Application of :
Damoder Reddy :
Application No. 11/016,164 :
Filed: December 17, 2004 :
Attorney Docket No. 186051/US/4/RMA :
:

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 3, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from Inventor W. Edward Naugler, Jr. stating that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2600 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

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July 2005

EZRA SUTTON
PLAZA 9, 900 ROUTE 9
WOODBRIDGE, NJ 07095

AUG 26 2005

In re Application of: EMILE MIMRAN Serial No.: 11/016,195 Filed: 18 December 2004 Docket: OPTIC 3.0-001	: : : : :	DECISION ON PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d)

This is a decision on the petition filed on March 14, 2005, to make the above-identified application special under the accelerated examination procedure set forth in MPEP § 708.02(VIII) in accordance with 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

In support of the petition, petition provides: a) the applicable petition fee; b) an election without traverse of claims 1-9 without traverse; c) a statement that a pre-examination search was made, including the areas searched; d) copies of the references stated as being most closely related to the claimed subject matter; and e) a discussion of the teaching of the references.

For accelerated examination under MPEP § 708.02(VIII) in accordance with 37 C.F.R. § 1.102(d), a showing of the following is required: a) a petition to make special accompanied by the applicable petition fee; b) all claims are directed to a single invention; c) a statement that a pre-examination search was made, including the search areas; d) a copy of each of the references deemed most closely related to the claimed subject matter; and e) a detailed discussion of the references pointing out with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is distinguishable over the references.

The requirements of MPEP § 708.02(VIII)(a)-(d) are considered to have been met. However, petitioner fails to point out with the particularity required by 37 CFR § 1.111 (b) and (c), how the claimed subject matter is distinguishable over the *each* of the references. Therefore, petitioner fails to meet the requirement of MPEP § 708.02(VIII)(e).

37 CFR § 1.111 (b) states"[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section." 37 CFR § 1.111 (c)

states in part "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made."

Petitioner presents a brief discussion of the supplied references. However, a *detailed discussion* of how each of the references overcomes each of the independent claims is required for the petition to be granted. For instance, petitioner has not discussed exactly how the heads-up display of the 6,654,070 reference does not teach the specific features recited in the claims. A mere statement alleging that the claims contain a feature not found in the relevant prior art is insufficient, particularly in the present case in which a boilerplate recitation of "as set forth in claim 1". Petitioner is required to provide a detailed discussion for *each* reference.

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. The statement as to election without traverse is treated as a provisional election, since no restriction has been required in the application.

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. The essential purpose of the accelerated examination procedure cannot be achieved without discussion of how petitioner believes the claimed invention is distinguished from the prior art; therefore, any resubmission of the petition must provide a detailed discussion of how each of the independent claims is not met by each of the references presented as relevant.

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.

Hien H. Phan, Special Program Examiner
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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WOODARD, EMHARDT, MORIARTY,
MCNETT & HENRY LLP
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS IN 46204-5137

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OFFICE OF PETITIONS

NOTICE

In re Patent No. 7,045,188 :
Issue Date: May 16, 2006 :
Application No. 11/016,243 :
Filed: December 17, 2004 :
Attorney Docket No. 7272-70 :

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

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

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

This application no longer qualifies for small entity status. Accordingly, all future fees in this file must be paid at the large entity rate, absent further notification from a proper party of a change in status. ***See 37 CFR 1.27(c)(2).***

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 4/23/08

Paper No.: —

TO SPE OF : ART UNIT 2853

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/016,301 Patent No: 7303246B2

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: Both 2/4/08 and 3/3/08 COC's are Approved -

STEPHEN MEIER
SUPERVISORY PATENT EXAMINER
SPE

2853
Art Unit

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OFFICE OF PETITIONS

KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP
535 SMITHFIELD STREET
PITTSBURGH PA 15222

In re Application of	:	
Schaible, et al.	:	
Application No. 11/016,303	:	DECISION ON PETITION
Filed: December 17, 2004	:	
Attorney Docket No. 040454	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 29, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned December 27, 2007 for failure to timely submit corrected formal drawings as required by the Notice of Allowability mailed September 26, 2007. Accordingly, the date of abandonment of this application is February 13, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected formal drawings , (2) the required petition fee; and (3) a proper statement of unintentional delay.

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

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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ALPINE/BHGL
P.O. Box 10395
Chicago, IL 60610

Mail Date: 04/21/2010

Applicant	: Naoki Shimamura	: DECISION ON REQUEST FOR
Patent Number	: 7630505	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/016,320	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1390** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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AUG 1 0 2005

OFFICE OF PETITIONS

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

In re Application of	:
Tetreault, et al.	: DECISION DISMISSING STATUS
Application No. 11/016,321	: UNDER 37 CFR 1.47(a)
Filed: December 20, 2004	:
Atty. Dkt. No.: 049159-0320	:
For: CUTLERY IMPLEMENT AND BLOCK	:

This decision is in response to the petition under 37 CFR 1.47(a) filed July 5, 2005.

The petition is **GRANTED**.

Petitioners have shown that inventor Brian Demers has refused to execute the declaration for the above-identified application after having been presented with the application papers.

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

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

A petition under 37 CFR 1.47 is currently $200.00. Accordingly, the remaining fees due, $70.00, have been charged to Deposit Account No.

After this decision is mailed, the above-identified application will be returned to the Office of Initial Patent Examination for further processing.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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Brian Demers
8117 Strand Hill Road
Huntersville, North Carolina 28078

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OFFICE OF PETITIONS

In re Application of :
Tetreault, et al. :
Application No. 11/016,321 : LETTER
Filed: December 20, 2004 :
Atty. Dkt. No.: 049159-0320 :
For: CUTLERY IMPLEMENT AND BLOCK :

Dear Sir:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3205. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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PAUL A. MENDONSA
BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN
SEVENTH FLOOR
12400 WILSHIRE BOULEVARD
LOS ANGELES CA 90025

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OCT 20 2006

OFFICE OF PETITIONS

In re Application of	:	
Stefan Scheinert et al	:	
Application No. 11/016,342	:	DECISION GRANTING PETITION
Filed: December 17, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 42P22418	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 2, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice To File Missing Parts Of Nonprovisional Application of February 2, 2005, is accepted as having been unintentionally delayed.

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

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P O BOX 458
ALAMEDA, CA 94501

Mail Date: 06/18/2010

Applicant	: Zhiwen Zhang	: DECISION ON REQUEST FOR
Patent Number	: 7709604	: RECALCULATION of PATENT
Issue Date	: 05/04/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/016,348	: OF WYETH
Filed	: 12/16/2004	:
		:

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

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

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

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

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

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

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

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

or

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

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

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

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

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

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

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JUN 21 2010
OFFICE OF PETITIONS

In re Patent No. 7,504,509	:
Ibrahim et al.	: DECISION ON REQUEST FOR
Issue Date: March 17, 2009	: RECONSIDERATION OF
Application No. 11/016,350	: PATENT TERM ADJUSTMENT
Filed: December 17, 2004	: AND NOTICE OF INTENT
Attorney Docket No. 039363-1903	: TO ISSUE CERTIFICATE OF
Title: COMPOUNDS AND METHODS	: CORRECTION
FOR DEVELOPMENT OF RET	:
MODULATORS	:

This is a decision on the petition filed on April 2, 2009, which is also 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 six hundred seventy (670) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein.** The patent term adjustment is corrected to indicate that the term of the above-identified patent is extended or adjusted by **six hundred seventy-four (674)** days.

Patentee correctly calculates the B delay as 220 days. However, patentee incorrectly calculates an applicant delay of 124 days pursuant to 37 CFR 1.704(c)(10) for the filing of a paper on May 8, 2008. A reduction of 120 days was properly entered pursuant to the cap set in 37 CFR 1.704(c)(10). Specifically, 37 CFR 1.704(c) provides, in pertinent part, that:

> Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following

circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

(10) Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:
(i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper; or
(ii) Four months;

Accordingly, the maximum period of reduction of 120 days was entered for this applicant delay.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **six hundred seventy-four (674)** days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,504,509 B2

DATED : **March 17, 2009** **DRAFT**

INVENTOR(S) : Ibrahim 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 454 days

Delete the phrase "by 454 days" and insert – by 674 days--

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

Mail Date: 04/20/2010

Applicant	: Marc F. Hayes JR.	: DECISION ON REQUEST FOR
Patent Number	: 7653573	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/016,353	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1197** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH VA 22042-2924

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OFFICE OF PETITIONS

In re Application of :
Reddy et al. :
Application No. 11/016,357 :
Filed: December 17, 2004 :
Attorney Docket No. 05149.0009.NPUS01 :

ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 3, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement signed by the application, including his date-of-birth. 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 2673 for action on the merits commensurate with this decision.

Liana Chase
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SUITE 200
FALLS CHURCH, VA 22042-2924

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OFFICE OF PETITIONS

In re Application of	:	
Damoder Reddy et al	:	
Application No. 11/016,372	:	DECISION ON PETITION
Filed: December 17, 2004	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 05149.0009.NPUS02	:	37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 8, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The petition includes a statement by W. Edward Naugler, Jr. attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

This application is being referred to Technology Center AU 2629 for action on the merits commensurate with this decision.

Wan Laymon
Wan Laymon
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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TOWNSEND AND TOWNSEND AND CREW LLP/ 015114
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CA 94111-3834

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OFFICE OF PETITIONS

In re Application of	:	
Kok Yoong Foo, et al.	:	
Application No. 11/016,394	:	ON PETITION
Filed: December 17, 2004	:	
Attorney Docket No. 015114-074500US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 22, 2008, to revive the above-identified application.

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed December 16, 2007, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on December 17, 2007. See MPEP 1215.04.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1540; and (3) a proper statement of unintentional delay.

The petition is **GRANTED**.

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

This application is being referred to Technology Center AU 2816 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 M. Wise
Petitions Examiner
Office of Petitions

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HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE, SUITE 140
TUCSON, AZ 85718

Mail Date: 04/20/2010

Applicant	: Brian H. Kram	: DECISION ON REQUEST FOR
Patent Number	: 7615371	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/016,407	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **948** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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CONNOLLY BOVE LODGE & HUTZ LLP
PO BOX 2207
WILMINGTON DE 19899

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AUG 12 2005

OFFICE OF PETITIONS

In re Application of	:	
Powell, et al.	:	
Application No. 11/016,425	:	DECISION ON PETITION
Filed: December 17, 2004	:	
Attorney Docket No. 00306-00400-US	:	

This is a decision on the "RESPONSE TO NOTICE OF OMITTED ITEMS(S) IN A NONPROVISIONAL APPLICATION", filed February 14, 2005, requesting, in effect, that the above identified application be accorded a filing date of December 17, 2004, with page 5 of the specification as part of the original disclosure.

The petition is **DISMISSED**.

The application was filed on December 17, 2004. However, on February 3, 2005, the Office mailed a "Notice of Omitted Item(s) in a Nonprovisional Application", stating that the application had been accorded a filing date of December 17, 2004; however, page 5 of the specification appeared to have been omitted.

In response, the present response was filed. Petitioner does not argue that page 5 was included with the application papers as filed. However, petitioner states that the instant application is a continuation application of application No. 10/365,968, and that the disclosure of the instant application is identical to application No. 10/365,968.

Pages not present on the filing date cannot be considered a part of the original disclosure of the application. As pages 5 was not present in the Office on December 17, 2004, the application can not be accorded the December 17, 2004 filing date with page 5 as a part of the original disclosure.

Accordingly, the Notice mailed on February 3, 2005 was correct in stating that page 5 of the specification appeared to have been omitted. Therefore, the requirement for the omitted figures of drawings was proper and will not be withdrawn.

However, a review of the application file reveals that the ADS included an incorporation by reference via a priority claim pursuant to 37 C.F.R. § 1.57(a).

MPEP § 201.06(c) states that:

> . . . an applicant may incorporate by reference the prior application by including, in the application-as-filed, a statement that such specifically enumerated prior application or applications are "hereby incorporated herein by reference." The statement may appear in the specification or in the application transmittal letter. The inclusion of this incorporation by reference of the prior application(s) will permit an applicant to **amend** the continuing application to include any subject matter in such prior application(s), **without the need for a petition** (emphasis added).

Obviously, in view of the incorporation by reference via the priority claim, page 5 of the specification is not new matter if it was a part of the disclosure of parent application No. 10/365,968.

Applicants should file an amendment adding page 5 of the specification for consideration by the Examiner prior to the first Office action.

As this petition was necessitated by applicant's filing error rather than an error on the part of the Office, the petition fee of $400 has been charged and will not be refunded.

The application is being returned to the Office of Initial Patent Examination for further processing, using the application papers filed December 17, 2004.

Telephone inquiries specific to this matter should be directed to the undersigned at 571-272-3207.

Cliff Congo

Cliff Congo
Petitions Attorney
Office of Petitions

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MAXWELL TECHNOLOGIES, INC.
ATT. INTELLECTUAL PROPERTY DEPT.
9244 BALBOA AVE.
SAN DIEGO, CA 92123

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OFFICE OF PETITIONS

In re Application of	:	
Bulliard et al.	:	
Application No. 11/016,434	:	ON PETITION
Filed: December 17, 2004	:	
Attorney Docket No. M134US	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 26, 2007, to revive the above-identified application.

The petition is **GRANTED.**

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

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed solely to the address currently of record until such time as appropriate instructions are received to the contrary.

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

This matter is being referred to Technology Center 2800 for further examination on the merits.

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

Liana Walsh
Petitions Examiner
Office of Petitions

Cc:

THOMAS J. OSBORNE, JR.
HENSLEY KIM & HOLZER, LLC
1600 LINCOLN STREET, STE. 3000
DENVER, CO 80264

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LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE WA 99201

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JUN 0 2 2009

OFFICE OF PETITIONS

In re Application of
Benaloh
Application No. 11/016,458
Filed: No. December 17, 2004
Attorney Docket No. MS1-0618USC8
For: SYSTEMS AND METHODS FOR COMPRESSION OF KEY SETS HAVING MULTIPLE KEYS

DECISION ON PETITION

This is a decision on the petition under the unavoidable standard of 37 CFR 1.137(a), filed August 14, 2006, 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 Notice of Allowance and Fee(s) Due, mailed September 9, 2005, which set a three month period for reply. This application became abandoned on December 10, 2005. A Notice of Abandonment was mailed on June 27, 2006. It is noted that the Notice of Abandonment lists the incorrect reason for the abandonment of the application. Contrary to what the Notice of Abandonment states, the issue and publication fees were paid in a timely manner. The cause of the abandonment was applicant's failure to submit a completed PTOL-85B or an equivalent within three months of the mail date of the Notice of Allowance and Fee(s) Due.

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 items (1) and (3).

With respect to (1), petitioner has not returned a completed PTOL-85B or an equivalent. See Notice of Allowance and Fee(s) Due. How to Reply to This Notice: II. Part B – Fee(s) Transmittal.

With respect to item (3), the showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, telefacsimile, 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).

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 have been "unavoidable". 35 USC § 133. Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887)(the term 'unavoidable' "is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business"); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition to revive an application as unavoidably abandoned cannot be granted where a petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (N.D. Ind. 1987).

In the instant case, petitioners have failed to provide adequate evidence that the delay was unavoidable.

A Notice of Allowance and Fee(s) Due and a Notice of Allowability was mailed on June 29, 2005. On July 15, 2005, applicant paid the issue fee and publication fee. On July 22, 2005, applicant filed an IDS. On September 9, 2005, the Office mailed a second Notice of Allowance and Fee(s) Due and Notice of Allowability. The September 9, 2005 Notice of Allowance and Fee(s) Due did not require submission of additional fees. However, the Notice states that even if no fees are due, the PTOL-85B or an equivalent must be returned within three months or the application will be regarded as abandoned. Instead of submitting the PTOL-85B or an equivalent within three months of September 9, 2005, applicant opted to file a number of IDSs. Petitioner argues that the abandonment was unavoidable because applicant wanted to file related references as part of IDSs and wanted the Office to consider the IDSs prior to issuing a patent.

The Notice of Allowance and Fee(s) Due clearly states that even if no fees are required, the PTOL-85B or an equivalent must be returned within three months of the mail date of the Notice in order to avoid abandonment. Applicant did not comply with the Notice, instead applicant filed IDSs requesting that the Office make the listed citations of official record in the application. Applicant fulfilled his duty of disclosure under 37 CFR 1.56, but neglected to follow other regulations, and as a result, the application became abandoned. A reasonably prudent person would have fully complied with the September 9, 2005 Notice of Allowance and Fee(s) Due in a timely manner.

A delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an "unavoidable" delay. See Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (N.D. Ind. 1987), Vincent v. Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

The petition under 37 CFR 1.137(a) is dismissed.

The undersigned suggests that petitioner file 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).

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).

It is noted that a lengthy period of time has passed since the present petition was filed. A courtesy copy of this decision is being mailed to the address listed on the petition. It is noted that the address listed on the petition is not the current 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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: EMMANUEL RIVERA
421 W. RIVERSIDE, SUITE 500
SPOKANE WA 99201

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of
Benaloh
Application No. 11/016,458
Filed: No. December 17, 2004
Attorney Docket No. MS1-0618USC8
For: SYSTEMS AND METHODS FOR COMPRESSION OF KEY SETS HAVING MULTIPLE KEYS

: DECISION ON PETITION

This is a decision on the petition under the unintentional delay standard of 37 CFR 1.137(b), filed July 22, 2009, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely reply to the Notice of Allowance and Fee(s) Due, mailed September 9, 2005, which set a three month period for reply. This application became abandoned on December 10, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a completed PTOL-85B, (2) the petition fee of $1,620.00; 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 the Office of Data Management for processing into a patent.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Mark G. Bocchetti
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

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MAR 17 2005

OFFICE OF PETITIONS

In re Application of :
Kerr and Tredwell :
Application No.11/016,459 : DECISION DISMISSING PETITION
Filed: December 17, 2004 :
Attorney Docket No. 89234RRS :

This is a decision on the petition under 37 CFR 1.182, filed February 24, 2005, requesting that the above-identified application retain the filing date of December 17, 2004, with Figure 23 as described in the specification as part of the original disclosure.

On December 17, 2004, applicants filed the above-identified application. On February 11, 2005, the Office mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of December 17, 2004, and advising applicants that figure 23 as described in the specification appeared to have been omitted.

In response, on February 24, 2005, applicants submitted the present petition, a postcard receipt acknowledging receipt of 24 sheets of drawings on December 17, 2004, and other items. Applicants indicated that the Figure 23 was present on filing.

Upon review of the record, Figure 23 has not been located among the application papers. However, the evidence is convincing that the application papers deposited on December 17, 2004, included Figure 23, which was subsequently misplaced by the Office. Unfortunately, the present petition must be dismissed because applicants failed to submit a copy of Figure 23 as described in the specification.

Accordingly, the petition is dismissed without prejudice. Any renewed petition under 37 CFR 1.182 must be filed within TWO MONTHS of the date of this decision and be accompanied by a copy of Figure 23. This period is not extendable. See 37 CFR 1.181(f).

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

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mark G. Bocchetti
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

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JUN 21 2005

OFFICE OF PETITIONS

In re Application of	:	
Kerr and Tredwell	:	
Application No.11/016,459	:	ON PETITION
Filed: December 17, 2004	:	
Attorney Docket No. 89234RRS	:	

This is a decision on the renewed petition under 37 CFR 1.182, filed March 25, 2005, requesting that the above-identified application retain the filing date of December 17, 2004, with Figure 23 as described in the specification as part of the original disclosure.

On December 17, 2004, applicants filed the above-identified application. On February 11, 2005, the Office mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of December 17, 2004, and advising applicants that figure 23 as described in the specification appeared to have been omitted.

In response, on February 24, 2005, applicants submitted a petition under 37 CFR 1.182, a postcard receipt acknowledging receipt of 24 sheets of drawings on December 17, 2004, and other items. Applicants indicated that the Figure 23 was present on filing, but did not include a copy of Figure 23 with the petition. The petition was dismissed for this reason by a decision mailed March 17, 2005. The instant renewed petition was filed on March 25, 2005.

Upon review of the record, Figure 23 has not been located among the application papers. However, the evidence is convincing that the application papers deposited on December 17, 2004, included Figure 23, which was subsequently misplaced by the Office. A copy of Figure 23 was provided with the instant renewed petition. The application was complete on filing and entitled to the presently accorded filing date of December 17, 2004, with Figure 23 as part of the original disclosure.

Accordingly, the petition is granted; the Notice is vacated, accordingly. The $400.00 fees deducted for the instant petition on March 25, 2005, and on February 24, 2005, will be refunded to deposit account 05-0225.

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

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

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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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JOSEPH M. NOTO
NIXON PEABODY LLP
1100 CLINTON SQUARE
ROCHESTER, NY 14604

Mail Date: 04/21/2010

Applicant	: Norbert Moszner	: DECISION ON REQUEST FOR
Patent Number	: 7659324	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/016,461	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **429** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
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JAN 29 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

Mark J. Pandiscio
Pandiscio & Pandiscio, P.C.
470 Totten Pond Road
Waltham MA 02451-1914

In re Application of
MAHGEREFTEH, DANIEL, et al
Serial No.: **11/016,466**
Filed: December 17, 2004
For: **CHIRP MANAGED LASER WITH ELECTRONIC PRE-DISTORTION**

DECISION ON PETITION
ACCEPTANCE OF COLOR PHOTOGRAPHS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed October 19, 2007, requesting acceptance of color drawings.

The petition requests that the color drawings identified in figures 1 and 2 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**.

Michael Horabik
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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SHELDON & MAK INC
225 SOUTH LAKE AVENUE
9TH FLOOR
PASADENA, CA 91101

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DEC 14 2005

OFFICE OF PETITIONS

In re Application of	:	
Peter S. Esquivel et al	:	DECISION ON PETITION
Application No. 11/016,483	:	TO MAKE SPECIAL UNDER
Filed: December 17, 2004	:	37 CFR 1.102(c)(1)
Attorney Docket No. 15503	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 9, 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 a birth certificate. Accordingly, the above-identified application has been accorded "special" status.

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

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

This matter is being referred to Technology Center AU 3635 action on the merits commensurate with this decision.

Denise Pothier
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WOLF GREENFIELD
(MICROSOFT CORPORATION)
C/O WOLF, GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

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NOV 10 2008

In re Application of	:	
Santosh Sharad Jodh	:	
Application No. 11/016,505	:	DECISION ON PETITION
Filed: December 16, 2004	:	
Attorney Docket No. M1103.70442US00	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 31, 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.

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 February 26, 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 (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).

Further, the Examiner has responded to the Amendment After Final with an Advisory Action (copy enclosed).

Also, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no

knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

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 Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: Examiner's Advisory Action

Advisory Action Before the Filing of an Appeal Brief	Application No. 11/016,505	Applicant(s) JODH, SANTOSH SHARAD	
	Examiner Phillip H. Nguyen	Art Unit 2191	

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

THE REPLY FILED 31 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

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

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1-15*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 3. NOTE: Applicant is advised that the proposed amendments filed 10/31/2008 would not place the application in condition for allowance.

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BOSTON MA 02210-2206

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DEC 2 3 2008

OFFICE OF PETITIONS

In re Application of	:	
Santosh Sharad Jodh	:	
Application No. 11/016,505	:	DECISION ON PETITION
Filed: December 16, 2004	:	
Attorney Docket No. M1103.70442US00	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 26, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the final Office action mailed February 26, 2008. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on May 27, 2008. A Notice of Abandonment was mailed September 17, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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.

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

This application is being referred to Technology Center AU 2191 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.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

Mail Date: 04/21/2010

Applicant	: David Peele	: DECISION ON REQUEST FOR
Patent Number	: 7588759	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/016,509	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **486** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Nancy L Bruns
312 Ross Avenue #1
Hamilton, OH 45013

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NOV 1 4 2006

OFFICE OF PETITIONS

In re Application of Bruns :
Application No. 11/016,510 :
Filing Date: December 17, 2004 :
For: GRIP FOR A HANDLE :

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(a), filed August 3, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

Facts:

A final Office action was mailed October 20, 2005.

A reply was filed November 23, 2005, by facsimile transmission. Due to the quality of the print on the first page, the reply was initially matched with an incorrect file - Application No. 11/016,610.

A Notice of Abandonment was mailed May 2, 2006. The Notice stated the application was abandoned because a reply had not been filed.

The reply was subsequently matched with the file. An advisory action was mailed May 9, 2006. The advisory action contained language indicating the application was not abandoned. The advisory action incorrectly stated a reply could be filed with an extension of time as late as October 6, 2006.

The application was abandoned since the amendment filed November 23, 2005, failed to place the application in condition for allowance. The examiner does not have the authority to withdraw the holding of abandonment. Therefore, the advisory action did not withdraw the holding of abandonment.

An amendment was filed May 25, 2006.

On June 27, 2006, the inventor revoked all powers of attorney and began to prosecute the application pro se.

An advisory action was mailed July 5, 2006.

Discussion:

A grantable petition under 37 CFR 1.137(a) must be accompanied by a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable.

The showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable within the meaning of 37 CFR 1.137(a).

"[T]he question of whether an applicant's delay in prosecuting an application was unavoidable must be decided on a case-by-case basis, taking all of the facts and circumstances into account."[1] The general question asked by the Office is: "Did petitioner act as a reasonable and prudent person in relation to his most important business?"[2] A lack of knowledge of, or failure to understand, a PTO rule, the content of the MPEP, or an Official Gazette notice will not constitute unavoidable delay.[3]

Petitioner blames her prior attorney for the abandonment of the application. Reliance on a third party representative does not, per se, constitute "unavoidable" delay. When a party relies on an attorney to take certain steps, the petition must address not only the party's actions *but also* address the attorney's actions or inactions.[4] A showing is insufficient if it merely establishes that petitioner did everything petitioner could to monitor the agent's actions and inactions, but fails to address the attorney's conduct.[5]

The Supreme Court has stated, with emphasis added,

> Petitioner voluntarily chose his attorney as his *representative* in the action and he cannot now avoid the consequences of the acts or omissions of this freely selected *agent* ... Each

---

[1] Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (1982).

[2] See In re Mattullath, 38 App. D.C. 497 (D.C. Cir. 1912).

[3] See Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (Fed. Cir. 1982) (citing Potter v. Dann, 201 U.S.P.Q. (BNA) 574 (D. D.C. 1978) for the proposition that counsel's nonawareness of PTO rules does not constitute "unavoidable" delay); Vincent v. Mossinghoff, 1985 U.S. Dist. LEXIS 23119, 13, 230 U.S.P.Q. (BNA) 621 (D. D.C. 1985) (Plaintiffs, through their counsel's actions, **or their own**, must be held responsible for having noted the MPEP section and Official Gazette notices expressly stating that the certified mailing procedures outlined in 37 CFR 1.8(a) do not apply to continuation applications.) (Emphasis added).

[4] See Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship, 507 U.S. 380, 396, 397 (1993) ("The [Circuit] court also appeared to focus its analysis on whether respondents did all they reasonably could in policing the conduct of their attorney, rather than on whether their attorney, as respondents' agent, did all he reasonable could to comply with the court-order bar date. In this, the court erred. . . . [I]n determining whether respondents' failure to file their proof of claim prior to the bar date was excusable, the proper focus is upon whether the neglect of respondents *and their counsel* was excusable." (emphasis in original)). In Huston v. Ladner, 973 F.2d 1564, 1567, 23 U.S.P.Q.2D (BNA) 1910 (Fed. Cir. 1992), the court determined the client was bound by the attorney's actions. The majority was unpersuaded by the dissent which states in part that the "errors occurred despite exceptional vigilance by the client."

[5] See Id.

> party is deemed bound by the acts of his lawyer-*agent* and is considered to have 'notice of all facts, notice of which can be charged upon the attorney.'[6]

Although generally bound by the mistakes of one's agent, one may not be bound by an agent's conduct if one can demonstrate intentional misconduct, such as embezzlement, by the agent. Petitioner has not shown the attorney intentionally chose to abandon the application. Petitioner has not shown the attorney intentionally lied.

An email from the prior attorney of record to the inventor dated July 10, 2006, indicates the attorney believed the application was not abandoned as of this date. However, petitioner has not proven the attorney knew the application was abandoned. Instead, the attorney appears to have incorrectly believed the application was not abandoned. After all, the May 9, 2006, had incorrectly informed the attorney a reply could be filed with an extension of time as late as October 6, 2006.

For the reasons above, the petition is dismissed.

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply (already submitted), the required petition fee ($750 for a small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. A copy of a blank petition 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.

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

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/61

---

[6] Link v. Wabash Railroad Co., 370 U.S. 626, 633-634, 8 L. Ed. 2d 734, 82 S. Ct. 1386 (1962) (quoting Smith v. Ayer, 101 U.S. 320, 326 (1880)).

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HASSE & NESBITT LLC
8837 CHAPEL SQUARE DRIVE
SUITE C
CINCINNATI, OH 45249

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MAR 14 2007

OFFICE OF PETITIONS

In re Application of Bruns	:	
Application No. 11/016,510	:	
Filing Date: December 17, 2004	:	Decision on Petition
Attorney Docket No. NLB-001	:	
For: GRIP FOR A HANDLE	:	

This is a decision on the petition under 37 CFR 1.137(b), filed December 27, 2006, to revive the above-identified application.

The petition is **granted**.

A final Office action was mailed October 20, 2005.

A reply was filed November 23, 2005, by facsimile transmission.

The reply failed to place the application in condition for allowance and the application became abandoned as of January 21, 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 3677 will be informed of the instant decision and the application, including the RCE and amendment filed August 3, 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

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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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

Mail Date: 04/21/2010

Applicant	: John Gerhard Michael	: DECISION ON REQUEST FOR
Patent Number	: 7655175	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/016,522	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1055** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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GERALD W. SPINKS
103 EDWARDS STREET
ABBEVILLE LA 70510

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DEC 2 0 2007

OFFICE OF PETITIONS

In re Application of
Calvin Stowe
Application No. 11/016,540
Filed: December 16, 2004
Attorney Docket No. 284BOT/US110

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 19, 2007.

The request is **NOT APPROVED**.

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

A review of the file record indicates that Gerald Spinks: (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.

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, "assignee has agreed to assume responsibility for further prosecution", do not meet any the conditions set forth in 37 CFR 10.40.

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

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: CARL A ROWOLD
BAKER HUGHES INCORPORATED
P.O. BOX 4740
HOUSTON, TX 77210-4740

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/016,553	12/17/2004	Nobuo Fuke	S1459.70120US00	4132

7590 01/11/2008

Randy J. Pritzker
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210-2206

EXAMINER
CHIN, VIVIAN C

ART UNIT	PAPER NUMBER
2615	

MAIL DATE	DELIVERY MODE
01/11/2008	PAPER

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.

Richard Clemons
Patent Publication Branch
Office of Data Management

02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/016,553	12/17/2004	Nobuo Fukc	S1459.70120US00	4132

7590 01/10/2008
Randy J. Pritzker
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600 Atlantic Avenue
Boston, MA 02210-2206

EXAMINER
CHIN, VIVIAN C

ART UNIT	PAPER NUMBER
2615	

MAIL DATE	DELIVERY MODE
01/10/2008	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.

Notice of Abandonment	Application No.	Applicant(s)	
	11/016,553	FUKE, NOBUO	
	Examiner	Art Unit	
	Chin, Vivian	2615	

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

This application is abandoned in view of:

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

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

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

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

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

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

7. ☐ The reason(s) below:

Rick Clemons ☐☐Administrative Assistant☐☐Art Unit: 3900

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

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CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

Mail Date: 04/21/2010

Applicant	: W. Clark Dean	: DECISION ON REQUEST FOR
Patent Number	: 7578870	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/016,556	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1285** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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: ~~D. Vanore~~
R. Kim
D. Vanore 4/17/07

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/16/07

TO SPE OF : ART UNIT 2881

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/016,562 Patent No.: 7145154

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

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

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

Lamonte M. Newsome
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

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

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

Comments: The correction of the foreign priority information does not introduce new matter or alter the claim scope or meaning. This CoC identifies the foreign document which was initially pointed out in a claim for foreign priority. Further, all documents have now been received by the Office. - DAV.

SPE

2881
Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

Copied from 11016362 on 05/02/2007

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BEYER WEAVER & THOMAS LLP
P.O. BOX 70250
OAKLAND CA 94612-0250

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JUL 29 2005

OFFICE OF PETITIONS

In re Application of :
Palmeri and Reade :
Application No. 11/016,566 :
Filed: December 16, 2004 :
Attorney Docket No. GCENP011 :

ON PETITION

This is in response to the petition under 37 CFR 1.47(a), filed June 27, 2005. Applicants obtained an extension of time for response within the third month. Therefore, the petition is filed timely.

The petition is **dismissed**.

Applicants are given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

On December 16, 2004, applicants filed the above-identified application with an unexecuted oath or declaration. On February 2, 2005, the Office mailed a "Notice to File Missing Parts of Application," stating, *inter alia*, that an oath or declaration was missing, and requiring a $130.00 surcharge for its late filing.

In the petition, Joseph M. Villeneuve, attorney for the applicants, stated that on two occasions he sent a letter to the non-signing inventor, Stephen Reade, requesting his signature on the declaration. Copies of the letters accompany the petition.

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

Applicants lack item (1) as set forth above.

Upon reviewing the letter of May 11, 2005, to the non-signing inventor, it appears that Mr. Villeneuve did not mail the inventor a complete copy of the application papers, including the specification, claims, and drawings. Rather, Mr. Villeneuve enclosed only a declaration and an assignment with the letter for the inventor's signature. Unless Mr. Villeneuve presented the non-signing inventor with a complete copy of the application papers, including the specification, claims and drawings, he could not attest that he has "reviewed and understands the application papers," and therefore, could not sign the declaration that he was given. Accordingly, applicants failed to show or provide proof that the non-signing inventor refused to sign the declaration. See MPEP 409.03(d).

To show that the inventor refused to join in the application, applicants must show that a complete copy of the application papers, including the specification, claims and drawings, was presented to the non-signing inventor, personally or through his designated representative, and that he did not respond to the request that he sign the declaration. The circumstances of any refusal to join in the filing of the application must be made by all persons with first-hand knowledge of the event. In this case, applicants did not provide any statement by Ms. Mitchell-Haynes.

The petition is dismissed.

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

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

By FAX: (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
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BEYER WEAVER & THOMAS LLP
P.O. BOX 70250
OAKLAND CA 94612-0250

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JAN 25 2008

OFFICE OF PETITIONS

In re Application of	:	
Palmeri and Reade	:	DECISION NOTING JOINDER OF
Application No. 11/016,566	:	INVENTOR AND PETITION
Filed: December 16, 2004	:	UNDER 37 CFR 1.47(a) AS MOOT
Attorney Docket No. GCENP011	:	

This is in response to the renewed petitions under 37 CFR 1.47(a), filed September 8, 2005, and January 9, 2008. The petitions were recently forwarded to the Office of Petitions for a decision on the merits. The undersigned immediately reviewed the petitions upon their receipt and rendered the following decision. The Office sincerely apologizes for any inconvenience.

In response to the decision dismissing the original petition under 37 CFR 1.47(a), applicants submitted a declaration signed by all of the named inventors in the application. In view of the joinder of the inventors, further consideration under 37 CFR 1.47(a) is not necessary. Accordingly, the petition is dismissed as involving a moot issue. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application does not need to be returned to the Office of Petitions for further consideration under 37 CFR 1.47(a).

This application is being referred to Technology Center Art Unit 2142 for examination in due course.

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

Commissioner for Patents
United States Patent and Trademark Office
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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

COPY MAILED
DEC 2 4 2008

In re Application of	:	
Sundar Iyer, et. al.	:	
Application No. 11/016,572	:	ON PETITION
Filed: December 17, 2004	:	
Attorney Docket No. 1370.282US1	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 17, 2008, 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 Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) (1).

The application became abandoned for failure to timely file a proper reply within the meaning of 37 CFR 1.113 to the final Office action mailed September 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 (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)(II)(A)(2). Since the amendment submitted on October 17, 2008, 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). A courtesy copy of the Advisory Action is being mailed with this decision on petition.

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) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Courtesy Copy of the Advisory Action

Advisory Action Before the Filing of an Appeal Brief	Application No. 11/016,572	Applicant(s) IYER ET AL.	
	Examiner Hong Kim	Art Unit 2185	

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

THE REPLY FILED 17 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

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

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☒ They raise the issue of new matter (see NOTE below);
   (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1-6*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Hong Kim/
Primary Examiner, Art Unit 2185

Continuation of 3. NOTE: It appears that the amended claim limitations raise new issue and require further consideration and search. Also the amended claim limitations raise possible 112 2nd paragraph isuues.

/Hong Kim/
Primary Examiner, Art Unit 2185.

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

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FEB 2 5 2009

OFFICE OF PETITIONS

In re Application of :
Sundar Iyer, et. al. :
Application No. 11/016,572 : ON PETITION
Filed: December 17, 2004 :
Attorney Docket No. 1370.282US1 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed January 30, 2009, to revive the above-identified application.

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 $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 2185 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
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MINNEAPOLIS, MN 55402

Mail Date: 07/23/2010

Applicant	: Sundar Iyer	: DECISION ON REQUEST FOR
Patent Number	: 7657706	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/016,572	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **320** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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HONEYWELL INTERNATIONAL INC.
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN, NJ 07962-2245

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MAY 16 2007

OFFICE OF PETITIONS

In re Application of
Richard A. Olzak
Application No. 11/016,574
Filed: December 17, 2004
Attorney Docket No. HOOO-1-6036

ON PETITION

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 14, 2007 to withdraw the above-identified application from issue after payment of the issue fee.

It does not appear that the petition is signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of David N. Fogg appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. However, if Mr. Fogg desires to receive correspondence regarding this file, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision is being mailed to Mr. Fogg, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 25, 2007, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

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

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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.*

The application is being referred to Technology Center AU 3661 for further processing of the request for continued examination under 37 CFR 1.114 filed May 14, 2007.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: DAVID N. FOGG
FOGG & POWERS LLC
P.O. BOX 581339
MINNEAPOLIS, MN 55458-1339

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VARNUM, RIDDERING, SCHMIDT & HOWLETT LLP
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GRAND RAPIDS MI 49501

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CANCELLED

In re Application of	:	
Norman R. Byrne	:	DECISION ON PETITION TO
Application No. 11/016,577	:	WITHDRAW HOLDING OF
Filed: 17 December, 2004	:	ABANDONMENT
Atty. Docket No. BYRNE P236US1	:	

This is a decision on the petition filed on 3 January, 2007, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to timely respond to the Notice Regarding Drawings mailed on 25 July, 2006, which set a two (2) month period for reply. Notice of Abandonment was mailed on 2 November, 2006.

Petitioners assert that the Notice mailed on 25 July, 2006, was never received.

In the absence of any irregularity in the mailing of the final Office action, there is a strong presumption that the Office communication was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the final Office action 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 Office communication was lost in the mail.

A review of the record indicates that the Office commmunication 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 a statement from the practitioner, Thomas L. Lockhart, 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. A copy of the docket record for the above-identified application where the non-received Office letter would have been entered had it been received and docketed are 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.

The petition is **GRANTED.**

The application file is being referred to the Publishing Division for remailing of the Notice mailed on 25 July, 2006. The period for reply will be reset from the mailing date thereof.

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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IBM CORPORATION, T.J. WATSON RESEARCH CENTER
P.O. BOX 218
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OFFICE OF PETITIONS

In re Application of	:
Liu, et al.	: DECISION GRANTING
Application No. 11/016,594	: PETITION
Filed: December 17, 2004	:
Attorney Docket No. CN920030020US1	:

This is a decision on the petition, filed March 31, 2005, requesting that the English language drawings filed with the instant petition be accorded a filing date of December 17, 2004. The petition will be treated under 37 CFR 1.182. A petition fee of $400.00 will be charged to deposit account no. 09-0468.

The application was deposited on December 17, 2004. On February 2, 2005, the Office of Initial Patent Examination (OIPE) mailed a Notice to File Missing Parts of Nonprovisional Application stating that the application had been accorded a filing date of December 17, 2004, but that it appeared to be missing drawing figures 4, 5, 6, 7, 8 and 9. The Notice required applicants to submit an executed oath/declaration and surcharge for its late filing, as well.

In response, the present petition was filed wherein petitioners state that the certified Chinese priority document submitted on December 17, 2004 along with the application papers contained the omitted drawings, albeit in a foreign language. Petitioners desire to add English versions of Figures 4, 5, 6, 7, 8, and 9 and assert that they are entitled to a December 17, 2004 filing date.

Petitioners did file the Chinese foreign priority document on December 17, 2004. This foreign application appears to contain the missing drawings.

Accordingly, the petition is **GRANTED** to the extent indicated below.

The English translation of the drawings submitted with the instant petition will **not** be used for processing purposes because they were not present in the Office on December 17, 2004. The Chinese version of Figures 4, 5, 6, 7, 8, and 9 were the only version of the figures present in the Office on December 17, 2004, so they will be processed as the missing figures. However, the English version of the figures will be used for **examination purposes**.

This application is being returned to the Office of Initial Patent Examination for further processing with a filing date of December 17, 2004, using the papers filed on December 17, 2004 and Figures 4, 5, 6, 7, 8, and 9 of the Chinese priority document as the application papers.

Telephone inquiries specific to this matter 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

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NOV 16 2005

TIMOTHY E. SIEGEL
1868 KNAPPS ALLEY, SUITE 206
WEST LINN, OR 97068

In re Application of:	:	
RINEHART et al.	:	
Application No. 11/016,602	:	DECISION ON PETITION
Filed: December 18, 2004	:	TO MAKE SPECIAL
Attorney Docket No. RI2.004	:	

This is a decision on the petition under 37 C.F.R. § 1.102, filed May 09, 2005, to make the above-identified application special.

Petitioner requests that the above-identified application be made special under the accelerated examination procedure set forth in the Manual of Patent Examining Procedure (M.P.E.P.), Section 708.02, Item VI: Energy.

A grantable petition to make special under 37 C.F.R. § 1.102 and in accordance with M.P.E.P., Section 708.02, Item VI, must be accompanied by statements under 37 CFR 1.102 by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the invention materially contributes to category (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources. No fee is required for such a petition, 37 CFR 1.102(c).

The petition contains the statement in accordance with M.P.E.P., Section 708.02, Item VI.

For the above stated reasons, the petition is GRANTED.

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

If the examiner determines that restriction is necessary, he/she will follow the established telephone practice to resolve the restriction. If applicant elects with traverse the application will be forwarded to the Special Programs Examination unit to vacate this decision, and the application will be taken up by the examiner for action in its regular turn.

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 she/he 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. Section 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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TIMOTHY E. SIEGEL
1868 KNAPPS ALLEY
SUITE 206
WEST LINN, OR 97068

DEC 5 2005

In re Application of:	:	
RINEHART et al.	:	
Application No. 11/016,603	:	DECISION ON PETITION
Filed: December 18, 2004	:	TO MAKE SPECIAL
Attorney Docket No. RI2.003	:	

This is a decision on the petition under 37 C.F.R. § 1.102, filed May 09, 2005, to make the above-identified application special.

Petitioner requests that the above-identified application be made special under the accelerated examination procedure set forth in the Manual of Patent Examining Procedure (M.P.E.P.), Section 708.02, Item VI: Energy.

A grantable petition to make special under 37 C.F.R. § 1.102 and in accordance with M.P.E.P., Section 708.02, Item VI, must be accompanied by statements under 37 CFR 1.102 by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the invention materially contributes to category (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources. No fee is required for such a petition, 37 CFR 1.102(c).

The petition and accompanying declaration contains the required statement of how to he invention materially contributes to the more efficient utilization and conservation of energy resources in accordance with M.P.E.P., Section 708.02, Item VI.

For the above stated reasons, the petition is GRANTED.

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

If the examiner determines that restriction is necessary, he/she will follow the established telephone practice to resolve the restriction. If applicant elects with traverse the application will be forwarded to the Special Programs Examination unit to vacate this decision, and the application will be taken up by the examiner for action in its regular turn.

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 she/he 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. Section 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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Date Mailed : June 6, 2007
Serial No. : 11/016603
Patent No. :7,173,823 B2
Patent Issued :February 6, 2007
Inventor(s) :Lawrence E. Rinehart, et al.
Title :FLUID COOLED ELECTRICAL ASSEMBLY

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.

Respecting the alleged errors noted on your request, it is unfortunate that we cannot issue a certificate of correction on this file, because there is no column and line number for the errors that you have listed.

In view of the foregoing your request is hereby denied at this time.

Further consideration will be given your request upon receipt of a new request with the appropriate column and line number.

Magdalene Talley
For Cecelia B. Newman, Supervisor
Decisions and Certificate
Of Correction Branch
(703) 308-9390 ext. 116
FAX 571-270-9942

Timothy E. Siegel
Intellectual Property Attorney
1868 Knapps Alley, Ste. 206
West Linn, OR 97068

CBN/mt

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Anthony Giaccio, Esq.
KENYON & KENYON
One Broadway
New York NY 10004

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OFFICE OF PETITIONS

In re Application of
Burrell
Application No. 11/016,610
Filing Date: December 17, 2004
For: MODIFICATION OF PLANT METABOLISM
Attorney Docket No: 13101/46006
Pub. No.: US 2005/0101015 A1
Pub. Date: May 12, 2005

This is a decision on the request for correction of patent application publication under 37 CFR 1.221 (b), filed on July 17, 2005, for the above-identified application.

The request is DISMISSED.

The instant request is that the application be republished because the front page of the patent application publication mistakenly includes Keith Stuart Blundy, as an inventor, however he was deleted by a petition to correct inventorship in the parent application.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1] The instant request does not identify a material mistake in the publication made by the office.

The error in including an extra inventor on the front page of the publication is an Office error, but it is not a material error under 37 CFR 1.221(b). The error does not 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.

A continuation or divisional application filed under 37 CFR 1.53(b) of a prior application in which a petition under 37 CFR 1.48 do delete an inventor should be filed with a copy of the declaration naming the correct inventive entity or a new declaration. See MPEP 602.05(a).

[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).

On February 2, 2005, a Filing Receipt was mailed by the Office, which improperly listed the inventive entity. To avoid this type of problem in the future, applicant's representative should review the Filing Receipt and make a request for a Corrected Filing Receipt.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application 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), msut 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 (703) 308-8122 (voice).

Mark Polutta
Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Hubert Benzel	: DECISION ON REQUEST FOR
Patent Number	: 7572660	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/016,617	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **218** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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COATS & BENNETT, PLLC
1400 Crescent Green, Suite 300
Cary, NC 27518

Mail Date: 04/21/2010

Applicant	: Dayong Chen	: DECISION ON REQUEST FOR
Patent Number	: 7600164	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/016,643	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **534** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MICHAEL S. LEONARD
EVEREST INTELLECTUAL PROPERTY LAW GROUP
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OFFICE OF PETITIONS

In re Application of
Nayouki Himi
Application No. 11/016,646
Filed: December 16, 2004
Attorney Docket No. 114208-038

: DECISION GRANTING PETITION

This is a decision on the "Petition to Correct the Filing Date" filed July 8, 2005, under 37 CFR 1.10, which is treated under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of December 16, 2004, rather than the presently accorded filing date of December 20, 2004.

Petitioner alleges that the application was deposited in Express Mail service on December 16, 2004. Although petitioner does not present the express mail label as evidence and argues that the label was blank and not filled in by the USPS, amongst the evidence provided is USPS Track and Confirm information from the USPS website that indicates express mail package ED021334168US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file) was enroute fron Palatine, IL on December 16, 2004.

In view of the evidence present in the file, it is concluded that the correct date of deposit in Express Mail service was December 16, 2004 and therein, the application is entitled to a filing date of December 16, 2004.

The error in the filing date was not occasioned by the USPTO and instead it was postal service error. However, in view of the evidence presented, (postmark and track and confirm details) the petition is **GRANTED**.

No fees are due and none will be charged.

The application is being returned to Office of Initial Patent Examination for reprocessing with a filing date of December16, 2004, not December 20, 2004.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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APR 04 2006

OFFICE OF PETITIONS

In re Application of	:	
Fredrik Persson	:	
Application No. 11/016,648	:	DECISION GRANTING PETITION
Filed: December 20, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 81110783	:	

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

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply; (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 January 26, 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

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
11/016,649	12/17/2004	2622	1130	KIT 379 US (10416275)	6	4	1

CONFIRMATION NO. 9887

UPDATED FILING RECEIPT

OC000000015196401

024972
FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK, NY 10103-3198

Date Mailed: 02/16/2005

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)

Atsushi Nagamatsu, Wakayama-ken, JAPAN;
Nobuhiro Tsujioka, Wakayama-shi, JAPAN;

Power of Attorney:

Peter Felfe–20297
Norman Hanson–30946
James Crawford–39155
Chai Im–40657
Bruce Koch–41905

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN JP 2003-422033 12/19/2003

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 US11/016,649

Projected Publication Date: 06/23/2005

Non-Publication Request: No

Early Publication Request: No

Title

Photographic printing system having recording medium writing device

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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2755 CAMPUS DRIVE
SUITE 210
SAN MATEO CA 94403

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NOV 0 8 2007

OFFICE OF PETITIONS

In re Application of
Ross Jaffe et al
Application No. 11/016,659
Filed: December 17, 2004
Attorney Docket No.
26427-704.310

DECISION ON PETITION

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

The petition is **GRANTED.**

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed September 19, 2006, which set a shortened statutory period for reply of three (3) months. A two (2) month extension of time was timely obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on February 21, 2007 (February 19, 2007, the due date, was a Federal holiday).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply in the form of a request for continued examination, $395 filing fee, and submission as required by 37 CFR 1.114, (2) the petition fee of $750, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the final Office action of September 19, 2006 is accepted as being unintentionally delayed.

The petition to revive is accompanied by a request for continued examination, as well as a Notice of Appeal. However, it is unnecessary to file both a request for continued examination and a Notice of Appeal, since the filing of a request for continued examination and submission pursuant to the provisions of 37 CFR 1.114 is a proper reply to a final Office action. Further, as the filing of a request for continued examination withdraws a Notice of Appeal, it would be negate any necessity in filing a Notice of Appeal. Accordingly, as the filing of the Notice of

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Appeal is unnecessary, the Notice of Appeal will be treated as being withdrawn. If the filing of a Notice of Appeal was the intent of petitioner rather than the filing of a request for continued examination, petitioner must **promptly** notify the Office. Otherwise, the Notice of Appeal will not be processed and will be considered as being withdrawn.

This application is being referred to Technology Center AU for processing the request for continued examination and for appropriate action in the normal course of business on the submission under 37 CFR 1.114 received April 6, 2007.

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

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

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

Paper No. None

MICHAEL CHAN
NCR CORPORATION
1700 SOUTH PATTERSON BLVD
DAYTON OH 45479-0001

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OFFICE OF PETITIONS

In re Application of
Gunnar Jespersen and Douglas S. Foote
Application No. 11/016,661
Filed: December 17, 2004
Attorney Docket No. 11077.00
Title: SENSING ARRANGEMENT

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

This is in response to the petition under 37 C.F.R. §1.47(a)[1], filed April 21, 2005.

On December 17, 2004, the application was deposited, identifying Gunnar Jespersen and Douglas S. Foote as joint inventors. An executed oath or declaration was not included on filing. On February 2, 2005, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

With the instant petition, Petitioner has submitted the petition fee, the associated surcharge, a declaration which has been executed by Mr. Foote, the last known address of the non-signing inventor, copies of various letters, and statements of facts. Petitioner has further included a one-month extension of time to make timely this response.

1A grantable petition under 37 C.F.R. §1.47(a) requires:

(1) the petition fee of $130;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 CFR §1.63.

Petitioner has met each of the 5 requirements above.

The petition is **GRANTED** and this application is hereby accorded Rule §1.47(a) status.

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

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

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

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Paper No. None

MICHAEL CHAN
NCR CORPORATION
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DAYTON OH 45479-0001

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OFFICE OF PETITIONS

In re Application of
Gunnar Jespersen
Application No. 11/016,661
Filed: December 17, 2004
Attorney Docket No. 11077.00
Title: SENSING ARRANGEMENT

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

This is a corrected decision in response to the petition under 37 C.F.R. §1.47(b)[1], filed April 21, 2005.

On July 11, 2005, a decision was mailed which granted the aforementioned petition, and incorrectly listed Douglas S. Foote as a joint inventor[2].

That portion of the decision is hereby **VACATED**.

The petition is hereby **GRANTED** and this application is hereby accorded Rule §1.47(**b**) status.

1A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $130;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 CFR §1.63.

2 The decision also incorrectly stated that the petition was filed under 37 C.F.R. §1.47(b), when in fact it was filed under 37 C.F.R. §1.47(b).

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.

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

Office records have been updated to reflect that the no-signing inventor is the sole inventor for this application.

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

Encl. Corrected Filing Receipt

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PAUL W. MARTIN
NCR CORPORATION, LAW DEPT.
3097 Satellite Blvd., 2nd Floor
Duluth, GA 30096

Mail Date: 05/20/2010

Applicant	: Gunnar Jespersen	: DECISION ON REQUEST FOR
Patent Number	: 7638746	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/016,661	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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OFFICE OF PETITIONS

KENT BARTA S.C.
2901 JONATHAN CIRCLE
FITCHBURG, WI 53711

In re Application of Gupta :
Application No. 11/016,674 : Decision on Petition
Filing Date: December 17, 2004 :
Attorney Docket No. AG-101 :

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

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 17, 2006, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on June 18, 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.

An amendment was filed on November 13, 2006. The fee of $795 was charged to petitioner's deposit account for a four-month extension of time. However, one cannot obtain a four-month extension of time in response to a non-final Office action and the application was abandoned. Therefore, the fee of $795 has been credited back to petitioner's deposit account.

Technology Center Art Unit 1617 and the examiner will consider the amendment filed November 13, 2006, in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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Washington, D.C. 20231
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OBLON, SPIVAK, MCCLELLAND,
MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

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OFFICE OF PETITIONS

In re Reissue Application No 11/016,685 :
Filed: October 28, 2004 :
Original Patent No. 5,805,706 : ON PETITION
Issue Date: September 8, 1998 :
Original Filing Date: April 17, 1996 :
Patentee: Davis :
Attorney Docket No.: 261091US24RE

This is a decision on the petition under 37 CFR 1.78 filed on December 20, 2004 date to amend the claim for benefit of domestic priority under 35 U.S.C. § 120.

The petition considered under 37 CFR 1.78 is dismissed as immaterial.

A petition under 37 CFR § 1.78(a)(3) is only applicable to applications, or patents arising from applications, that were filed on or after November 29, 2000. Since the original application that resulted in the above-identified patent was filed prior to November 29, 2000, the petition is irrelevant to this reissue application. See MPEP 1402. Likewise, petitioner has met the timing requirements of the rule for claiming benefit of, or cross referencing, the parent reissue application, which *per se* is an application filed after the critical date. .See MPEP 1451. Accordingly, the $1370 petition fee has been credited to counsel's deposit account. Again, as noted in the decision in the parent reissue application. petitioner may also effectuate the requested change in the patent's domestic priority benefit claim by seeking a Certificate of Correction. See MPEP 1481.

As the parent reissue application is now abandoned (expressly), petitioner is also reminded of the significance to this continuing reissue application of the caveat set forth in the favorable decision in the parent reissue application, that:

> **As a condition of such favorable consideration, however, if this or a continuing reissue(s) does not ultimately issue as a patent, then petitioner is required to file a Certificate of Correction that amends the priority claim in the above-captioned patent in the same manner as that in the proffered amendment to the reissue specification.**

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3217.

Brian Hearn

Brian Hearn
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH, VA 22042-2924

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OFFICE OF PETITIONS

In re Application of :
Damoder Reddy et al :
Application No. 11/016,686 : DECISION ON PETITION
Filed: December 17, 2004 : TO MAKE SPECIAL UNDER
Attorney Docket No. 186051/US/6 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 3, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from Inventor W. Edward Naugler, Jr. stating that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

The revocation of power of attorney submitted February 3, 2006 is not accepted. In this regard, compliance with 37 CFR 3.73(b) has not been satisfied in that the reel and frame number where the recorded assignment appears in the assignment records of the USPTO has not been provided. Therefore, in order for the power of attorney to be acceptable, compliance with 37 C.F.R. 3.73(b) must be satisfied. A form for complying with the provisions of 37 C.F.R. 3.73(b) may be found on the USPTO.gov website (Form No. PTO/SB/96).

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 2629 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Vinay V. Joshi
Howrey, LLP
1950 University Avenue, 4th Floor
East Palo Alto, CA 94303

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Stephen T. Sullivan
Suite 1140
1850 North Central Avenue
Phoenix, AZ 85004

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OFFICE OF PETITIONS

In re Application of	:	
Robert R. Barefoot	:	
Application No. 11/016,688	:	ON PETITION
Filed: December 16, 2004	:	
Attorney Docket No. 1912-009	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on June 9, 2006, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed January 26, 2005. A Notice of Abandonment was mailed on October 5, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an executed Oath/Declaration along with the late surcharge of $65, the basic filing fee of $150, the search fee of $250, the examination fee of $100 and $425 for claim fees in excess of twenty (20); (2) the petition fee of $750; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

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

This application file is being referred to the Office of Initial Patent Examination 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: Stephen T. Sullivan
7001 E. Paradise Drive
Scottsdale, AZ 85254-5175

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PO BOX 828
BLOOMFIELD HILLS MI 48303

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OFFICE OF PETITIONS

In re Patent No. 7,275,739	:	
Issue Date: October 2, 2007	:	
Application No. 11/016,704	:	DECISION ON PETITION
Filed: December 17, 2004	:	
Attorney Docket No. 8470G-000030/US	:	

This is a decision on the "PETITION UNDER 37 CFR 1.183 AND REQUEST FOR CERTIFICATE OF CORRECTION PURSUANT TO 37 CFR 1.323", filed October 1, 2007.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within TWO (2) Months.

An application may issue in the name of an assignee rather than the applicant if requested prior to issuance of a patent.[1] However, in the event the request is not made prior to issuance, a Certificate of Correction under 37 CFR 1.323 may be requested. Applicant's issue fee transmittal form, filed August 21, 2007, indicated the name of "Carl Freudenberg KG" under "3. Assignee Name and Residence Data to be Printed on the Patent". The patent issued listing this assignee. Patentee has filed the instant request to correct the assignee name to "Vibracoustic GmbH & Company KG", stating that the error was not in the application as filed by applicant, and as such, no fee is required.

---

[1] See 37 CFR 3.81.

A request for a Certificate of Correction under 37 CFR 1.323 to correct the assignee's name will not be granted unless a petition under 37 CFR 3.81(b) is granted. Such request under 37 CFR 3.81(b) should include:

(A) the processing fee required by 37 CFR 1.17(i);

(B) a request for issuance of the application in the name of the assignee, or a request that a patent be corrected to state the name of the assignee;

(C) a statement that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent; and

(D) a request for a certificate of correction under 37 CFR 1.323 accompanied by the fee set forth in 37 CFR 1.20(a).[2]

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

[2] MPEP 307.

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Patent No. : 7,275,739 B2
Serial No. : 11/016,704
Inventor(s) : Winkler
Issued : October 2, 2007
Title : **SUPPORT BEARING**
Docket No. : **8470G-000030**

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.

A petition under 37 CFR 3.81 must be filed and granted to fulfill your request, to date, there is no petition on record to consider your request.

Furthermore, Assignees' and/ or Co-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, which requires petition 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 B 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.

If, the petition under 37 CFR 1.182 (required fee currently $130), is filed and granted, the patentee would be entitled to a certificate of correction under 37 CFR 1.323 (required fee currently $100).

Ernest C. White, *LIE*
For Mary F. Diggs (703) 308-9390 x 125
Decisions & Certificates
of Correction Branch
(703) **308-9390 x 122**

HARNESS, DICKEY & PIERCE, P.L.C.
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BLOOMFIELD HILLS MI 48303

ecw

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Paul A. Mendonsa
Blakely, Sokoloff, Taylor, & Zafman LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles CA 90025

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FEB 0 2 2007

OFFICE OF PETITIONS

In re Application of	:	
Scheinert et al.	:	
Application No. 11/016,705	:	DECISION ON PETITION
Filed: 12/17/2004	:	
Attorney Docket No. 42P22416	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 5, 2006, to revive the above-identified application.

This application became abandoned for failure to respond timely to the Notice to File Missing Parts of Nonprovisional Application mailed on February 2, 2005, which set a two-month extendable period to reply. This application became abandoned on April 3, 2005. A Notice of Abandonment was mailed on October 5, 2005.

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

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

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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McDERMOTT WILL & EMERY LLP
600 13TH STREET NW
WASHINGTON, DC 20005-3096

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DEC 0 6 2007

OFFICE OF PETITIONS

In re Application of
Satoe Miyata et al
Application No. 11/016,713
Filed: December 21, 2004
Attorney Docket No. 71971-089

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition, filed December 5, 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 November 5, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2812 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\fhicks\My Documents\470\dec11\016713.wpd

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

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

Mail Date: 04/20/2010

Applicant	: Yuh-Fwu Chou	: DECISION ON REQUEST FOR
Patent Number	: 7633269	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/016,718	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **302** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 : August 26, 2009

TO SPE OF : ART UNIT 1623

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/016737 /7425570

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Magdalene Talley
Certificates of Correction Branch

703-308-9390 ext. 120

Thank You For Your Assistance

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

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

Comments: _____

_____

_____

_____

_____

SPE — 1625 Art Unit

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.:	7,425,570 B2	Docket:	12695.14USC1
Issue Date:	September 16, 2008	Patentee:	HAQUE
Title:	PYRIDOXINE AND PYRIDOXAL ANALOGUES: NEW USES		

REQUEST FOR CERTIFICATE OF CORRECTION

Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

It is requested that a Certificate of Correction be issued correcting printing errors appearing in the above-identified United States patent. One copy of the text of the Certificate in the suggested form is enclosed.

Approved to enter.

zmd 11/3/09

As some of the errors listed are due to Applicant's mistake, payment is being made online via credit card in the amount of $100.00 to cover the Certificate fee.

Issuance of the Certificate of Correction would neither expand nor contract the scope of the claims, and re-examination is not required.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: 2/9/2009

Brian R. Dorn
Reg. No. 57,395

23552
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P.O. Box 1450
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Patent No. : 7,398,336 B2
Ser. No. : 11/016,744
Inventor(s) : Ya-Tsung Feng, et. al.
Issued : July 8, 2008
Title : SWITCHING DEVICE FOR RS-232 SERIAL PORT AND USB SERIAL PORT
Docket No. : Feng3018/EM

Re: Request for Certificate of Correction

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

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A 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

J. Peter Fasse
Fish & Richardson P.C.
P.O. Box 1022
Minneapolis, MN 5540-1022

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OFFICE OF PETITIONS

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

In re Patent No. 7,398,336	:	
Issue Date: July 8, 2008	:	
Application No. 11/016,744	:	ON PETITION
Filed: December 21, 2004	:	
Attorney Docket No. FENG3018/EM	:	

This is a decision on the petition filed September 14, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to Terri Johnson at (571) 272-2991. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Chris Bottorff
Petitions Examiner
Office of Petitions

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

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

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MAR 2 3 2009

OFFICE OF PETITIONS

In re Application of
Uehara et al.
Application No. 11/016,756
Filed: February 24, 2009
Attorney Docket No. 1826.1019

DECISION ON PETITION

This is a decision on the petition, filed February 24, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action mailed July 2, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on January 22, 2009.

Petitioner asserts that the Office action dated July 2, 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. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office

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

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

The petition fails to satisfy all of the above-stated requirements. Item(s) (3) has not been satisfied.

As to item (3), a review of the docket records shows that petitioner has failed to provide master docket records for the firm. Nor has petitioner stated that a master docket does not exist. 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. See MPEP 711.03(c). Petitioner has provided a mail log for mail from the PTO dated July 2, 2008 and individual docket record for the above-identified application.

Accordingly, absent the required evidence to establish nonreceipt of the Notice of July 2, 2008, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

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 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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WASHINGTON DC 20005

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MAR 2 4 2009

OFFICE OF PETITIONS

In re Application of
Uehara et al.
Application No. 11/016,756
Filed: February 24, 2009
Attorney Docket No. 1826.1019

NOTICE TO VACATE
DECISION ON PETITION

This decision vacates the decision mailed on March 23, 2009 on the petition, filed February 24, 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 **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 reply to the non-final Office action mailed July 2, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on January 22, 2009.

Petitioner asserts that the Office action dated July 2, 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. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question

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

The petition fails to satisfy all of the above-stated requirements. Item(s) (3) has not been satisfied.

As to item (3), a review of the docket records shows that petitioner has failed to provide master docket records for the firm. Nor has petitioner stated that a master docket does not exist. 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. See MPEP 711.03(c). Petitioner has provided a mail log for mail from the PTO dated July 2, 2008 and individual docket record for the above-identified application.

Accordingly, absent the required evidence to establish nonreceipt of the Notice of July 2, 2008, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

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 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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WASHINGTON DC 20005

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OFFICE OF PETITIONS

In re Application of :
Uehara et al. :
Application No. 11/016,756 : DECISION ON PETITION
Filed: December 21, 2004 :
Attorney Docket No. 1826.1019 :

This is a decision on the renewed petition, filed April 17, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the non- final Office action mailed July 2, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on January 22, 2009.

Petitioner asserts that the Office action dated April 2, 2008 was not received.

A review of the record confirms that a master docket was not submitted with the original petition filed on February 24, 2009.

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

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

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

3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement. That is, if a three month period for reply

> was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question

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

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

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

This application is being referred to the Technology Center technical support staff of Art Unit 2192 for re-mailing the Office action of July 2, 2008. The period for reply will run from the mailing date of the Office action.

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

Charlema Grant
Petitions Attorney
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

Mail Date: 04/21/2010

Applicant	: Klaus Karthaeuser	: DECISION ON REQUEST FOR
Patent Number	: 7597336	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/016,771	: OF WYETH
Filed	: 12/21/2004	:
		:

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

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LEONG C LEI
PMB # 1008
1867 YGNACIO VALLEY ROAD
WALNUT CREEK, CA 94598

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In re Application of	:	
Chang-Keng TSAI	:	
Application No. 11/016,813	:	
Filed: December 21, 2004	:	DECISION ON PETITION
Attorney Docket No. FP10594	:	
	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 04, 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 file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 21, 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).

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). Petitioner failed to provide the required reply to the final office action of June 21, 2006. The Request for Continued Examination does not provide the proper submission under (37 CFR 1.114).

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) 272-4231.

Michelle R. Eason
Paralegal Specialist
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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LEONG C LEI
PMB # 1008
1867 YGNACIO VALLEY ROAD
WALNUT CREEK, CA 94598

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JUN 0 9 2008

In re Application of	:	
Chang-Keng TSAI	:	
Application No. 11/016,813	:	DECISION ON PETITION
Filed: December 21, 2004	:	
Attorney Docket No. FP10594	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 30, 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 June 21, 2006, which set a shortened statutory period for reply of three (3) months. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is September 22, 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 $405.00, and the submission required by 37 CFR 1.114; (2) the petition fee of $770.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 3754 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.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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1625 MASSACHUSETTS AVENUE, NW
SUITE 300
WASHINGTON, DC 20036-2247

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JUN 2 9 2005

OFFICE OF PETITIONS

In re Application of	:	
Ayad	:	ON PETITION
Application No. 11/016,818	:	
Filed: December 21, 2004	:	
Docket No.: 2503084-991101	:	

This is a decision on the "REQUEST FOR GRANT OF ORIGINAL FILING DATE FOR NON-PROVISIONAL APPLICATION FILED UNDER 37 C.F.R. § 1.53(b)," filed April 15, 2005, wherein petitioner requests that the above-identified application be accorded a filing date of December 21, 2004 and that the petition fee submitted herewith be refunded.

The application was filed December 21, 2004. On February 22, 2005, a Notice of Incomplete Nonprovisional Application was mailed indicating that the application had not been accorded a filing date because the specification was missing and the application did not include at least one claim in accordance with 35 USC 112. The Notice indicated that the filing date would be the date of receipt of the required specification and at least one claim. Any assertion that the specification and at least one claim were submitted or were not necessary for a filing date must be by way of petition (along with required petition fee).

In response to the Notice, petitioner asserts that the application as filed included 14 sheets of drawings and has included as proof of submission and receipt of the drawings a copy of a stamped receipt acknowledging USPTO receipt of 14 sheets of drawings, among other items.

The arguments and evidence submitted by petitioner have been considered and found persuasive. Accordingly, the Notice mailed February 22, 2005 is hereby **WITHDRAWN** and the petition to accord the application a filing date of December 21, 2004 is **GRANTED**.

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

As petitioner has established that the application was complete upon filing, no petition fee is due in connection with this matter. A refund of the previously submitted petition fee of $400.00 has been requested from the Finance Office on petitioner's behalf.

This application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of December 21, 2004 and 14 sheets of drawings as part of the application as filed.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314

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MAR 19 2007

OFFICE OF PETITIONS

In re Application of	:
Wu	: DECISION ON PETITION
Application No. 11/016,825	:
Filed: December 21, 2004	:
Docket No.: WUCH3048/EM	:

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed January 10, 2007.

This application was held abandoned for failure to timely submit a proper reply to the Office action mailed May 11, 2006. This decision precedes Notice of Abandonment.

Petitioner asserts that a response to the Office action was timely submitted June 12, 2006 and have provided as proof of mailing and proof of USPTO receipt a return postcard dated June 12, 2006 acknowledging receipt of the reply.

The original response was received June 12, 2006 has not been located in the application file.

In view of the evidence thereof, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

The application file is being forwarded to the Technology Center 3700 for further processing.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3/31/08

Paper No.: —

TO SPE OF : ART UNIT 3651

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/016860 Patent No: 7240898 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: _____

Gene Crawford
SPE

3651
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 24 2007

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

In re Application of	:
Mie Ishii et al	:
Serial No.: 11/016,872	: SUSPENSION OF ACTION
Filed: December 21, 2004	:
Attorney Docket No.: 03500.103827	:

This is in reply to the petition under 37 CFR 1.103 to suspend action in this application at applicant's request for a period of six months, filed June 29, 2007.

The petition fee of $200.00 will be charged to applicants' Deposit Account 06-1205, as directed.

BACKGROUND

Applicants request prosecution in this application be suspended for a period of four months in order to conduct and complete experiments in order to show unexpected results via a declaration to overcome a rejection. Said declaration was suggested by the examiner.

DISCUSSION

§ 1.103 Suspension of action by the Office.

(a) Suspension for cause . On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:
(1) A showing of good and sufficient cause for suspension of action; and
(2) The fee set forth in § 1.17(h), unless such cause is the fault of the Office.

Applicants have replied to the last Office action by filing RCE papers and an amendment and argument. Applicants subsequently conducted an interview with the examiner in which a declaration was suggested b the examiner as being helpful to show unexpected results. Applicants have indicated that the experiments are underway, but will not be completed for several months. Applicants have shown good and sufficient reason for suspension.

DECISION

In view of the above the petition for suspension of action is **GRANTED** for a period of four months, as requested, from the date of mailing of this decision.

Should applicants complete their testing prior to the expiration of the period of suspension, a submission of the results should be promptly forwarded to the Office so that prosecution may be resumed.

Should there be any questions with respect to this action, please contact the examiner or William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, P. O. BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at Office general facsimile number, 571-273-8300.

Christopher Low

Christopher Low
Director, Technology Center 1600
(acting)

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Scotia Plaza
40 King Street West, Suite 5800
TORONTO ON M5H 3S1 CA
CANADA

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AUG 1 8 2008

OFFICE OF PETITIONS

In re Application of

Norbert Marocco

Application No. 11/016,918

Filed: December 21, 2004

Attorney Docket No. 20664.146/

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 22, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to file a proper response in a timely manner to the final Office action mailed July 25, 2007, which set a shortened statutory period for reply of three (3) months. A response was filed on October 25, 2007, however; the response failed to place the application in condition for allowance as explained by the Advisory Action mailed November 14, 2007. No further responses were received within the allowable period. Accordingly, the application became abandoned on October 26, 2007.

The Request for Continued Examination filed July 22, 2008, is noted.

The application is being forwarded to Technology Center 3700, GAU 3724 for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7-18-07

TO SPE OF : Technology Center 1725

11/016940

SUBJECT : Request for Certificate of Correction on Patent No.: 7231957 B2

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

Please complete this form and return with file, within 7 days to:

Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**

If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**

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

Elisha Evans

Thank You For Your Assistance

Certificates of Correction Branch

Tel. No. 703-308-9390 EXT 110

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

Note your decision on the appropriate box.

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

Comments:

10/1/07

JONATHAN JOHNSON
PRIMARY EXAMINER

SPE

1725

Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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CERMAK KENEALY & VAIDYA, LLP
515 EAST BRADDOCK RD., SUITE B
ALEXANDRIA VA 22314

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AUG 13 2008

In re Patent No. 7,311,429	:	
Issue Date: December 25, 2007	:	
Application No. 11/016,944	:	ON PETITION
Filed: December 21, 2004	:	
Attorney Docket No. ST3001-0057	:	

This is a decision on the petition, filed January 18, 2008, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **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 the required processing fee of $130 as set forth in **§ 1.17(i).** As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

---

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

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
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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CERMAK KENEALY & VAIDYA, LLP
515 EAST BRADDOCK RD SUITE B
ALEXANDRIA VA 22314

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AUG 19 2008

In re Patent No. 7,311,429	:	
Issue Date: December 25, 2007	:	
Application No. 11/016,944	:	ON PETITION
Filed: December 21, 2004	:	
Attorney Docket No. ST3001-0057	:	

This is a decision on the petition filed August 18, 2008, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

---

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

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

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JUN 0 2 2005

OFFICE OF PETITIONS

In re Application of :
Kiyoshi Sato et al. :
Application No. 11/016,949 :
Filed: December 20, 2004 : ON PETITION
Attorney Docket No. 9281/4987 :

This is in response to the petition under 37 CFR 1.47(a) filed April 4, 2005.

The petition is **DISMISSED** as involving moot issues.

A Notice to File Missing Parts was mailed February 22, 2005 as the oath or declaration filed December 20, 2004 did not include the signatures of the heirs of Masaki Ikegami (Hiromi Ikegami and Chiaki Ikegami). In accordance with 37 CFR 1.63(d), petitioner has submitted a copy of the executed oath or declaration filed in Application No. 09/802,314, filed on March 8, 2001, of which the instant application is a continuation. Furthermore, a copy of the decision, mailed July 23, 2003, granting a petition to accord § 1.47(a) status to the prior application has been placed in the file of the present application.

As Rule 1.47(a) status was granted in the prior application, this application is hereby accorded Rule 1.47(a) status.

As no petition is necessary to accord Rule 1.47(a) status in this application, the petition is dismissed as involving moot issues. As no petition fee is necessary, no petition fee has been charged. However, the surcharge for late filing of an oath or declaration has been properly remitted and properly applied.

As provided in Rule 1.47(c), since notice was provided after the grant of Rule 1.47(a) status in the prior application, the Office is dispensing with the notice provision in this divisional application.

After this decision is mailed, the matter will be referred to Technology Center 2652 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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DICKE, BILLIG & CZAJA
FIFTH STREET TOWERS
100 SOUTH FIFTH STREET,
SUITE 2250
MINNEAPOLIS MN 55402

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JAN 30 2008

OFFICE OF PETITIONS

In re Application of

Mauder, et al.

Application No. 11/016,963

Filed: December 20, 2004

Attorney Docket No. 1434.115.101/1FT996US

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 13, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to file a proper response in a timely manner to the final Office action mailed July 13, 2006, which set a shortened statutory period for reply of three (3) months. A Notice of Appeal was filed on November 13, 2006. No further responses were received within the allowable period and the application became abandoned on January 14, 2007. A Notice of Abandonment was mailed on June 28, 2007.

The Appeal Brief filed August 13, 2007, is noted.

The application is being forwarded to Technology Center 2800, GAU 2823 for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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ALEXANDRIA VA 22313-1404

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APR 18 2007

OFFICE OF PETITIONS

In re Application of	:	
Clas Sonesson et al.	:	
Application No. 11/016,967	:	DECISION GRANTING PETITION
Filed: December 21, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 003301-211	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 17, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 27, 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 1624 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

---

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

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BRINKS, HOFER, GILSON & LIONE
P.O. BOX 1340
MORRISVILLE NC 27560

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In re Application of	:	
Knauf, Grange, and Parrish	:	
Application No.: 11/016,969	:	ON PETITION
Filing Date: December 21, 2004	:	
Attorney Docket No. 13779-25	:	

This is a decision on the "Petition under 37 CFR 1.47" filed December 5, 2008.

The petition is **granted**.

Petitioner requests that the supplemental declaration filed December 5, 2008, be accepted without the signature of the one of the joint inventors that cannot be located. It is noted, that in this case, 37 CFR 1.67 requires that the supplemental declaration be signed by all named inventors, yet petitioner asserts that one of joint inventors is not able to sign the supplemental declaration. In such a case, Section 603 of the *Manual of Patent Examining Procedure* (MPEP) provides that:

> When an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, the requirement for that inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183. All available joint inventor(s) must sign the supplemental declaration on behalf of themselves, if appropriate, and on behalf of the nonsigning inventor. See MPEP § 409.03(a). If there are no joint inventor(s), then the party with sufficient proprietary interest must sign the supplemental declaration on behalf of the nonsigning inventor. See MPEP § 409.03(b).

Accordingly, the instant petition will be treated as petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.67 so as to accept a supplemental declaration without the signature of all of the joint inventors. It is noted that provisions of 37 CFR 1.47 do not apply in this instance and said provisions are only applicable to the original filing of a declaration under 37 CFR 1.63. However, the requirements for establishing that a non-signing inventor has refused, or cannot be located, to sign the supplemental declaration are the same as the requirements of 37 CFR 1.47, as set forth in Section 400 of the Manual of Patent Examining Procedure.

The petition is granted, the requirement of 37 CFR 1.67 that all named inventors execute the supplemental declaration is waived, and the supplemental declaration without the signature of inventor Knauf is acknowledged and made of record.

The fee for the instant petition is $400.00. Deposit account 23-1925 will be charged an additional $200.00 accordingly.

The application file will be forwarded to Technology Center 3600, GAU 3643 for treatment of the petition for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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Fay Sharpe LLP

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The Halle Building, 5th Floor
1228 Euclid Avenue
Cleveland, Ohio 44115-1843
Telephone: 216.363.9000, Fax: 216.363.9001
www.faysharpe.com

Date:	April 8, 2009	Total Pages: 6 including cover sheet
To:	United States Patent and Trademark Office	
Mail Stop	Office of Petitions	
Fax No.:	571-273-8300	
From:	Mark S. Svat, Esq., Reg. No. 34,261	
Re:	PATENT NO. 7,495,721 B2 ISSUED: February 24, 2009 CONFIRMATION NO.: 8697 ATTORNEY DOCKET NO: 20041070-US-NP (XERZ 2 00860)	

REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT FOR APPLICANTS' MISTAKE TO CORRECT THE NAME OF THE ASSIGNEE (37 C.F.R. § 1.323 AND 37 C.F.R. § 3.81(b))

The documents accompanying this facsimile transmission include information from the firm of Fay Sharpe LLP that might be legally privileged and/or confidential. The information is intended for the use of only the individual or entity named on this cover sheet. If you are not the intended recipient, any disclosure, copying, or distribution of these documents, or the taking of any action based on the contents of this transmission, is prohibited. If you have received this transmission in error, these documents should be returned to this firm as soon as possible, and we ask that you notify us immediately by telephone so we can arrange for their return to us without cost to you.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S)	:	Scott A. Elrod
FOR	:	**METHODS OF PRINTING FILTER MATERIAL TO FABRICATE COLOR FILTER**
PATENT NO.	:	US 7,495,721 B2
ISSUED	:	February 24, 2009
EXAMINER	:	Sung H. Pak
ART UNIT	:	2874
CONFIRMATION NO.	:	8697
ATTORNEY DOCKET NO.	:	20041070-US-NP (XERZ 2 00860)

REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT FOR APPLICANTS' MISTAKE TO CORRECT THE NAME OF THE ASSIGNEE (37 C.F.R. § 1.323 and 37 C.F.R. § 3.81(b))

ATTENTION: OFFICE OF PETITIONS
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby request that a Certificate of Correction be issued to correct the name of the Assignee. The Assignment to **Palo Alto Research Center Incorporated** was submitted for recordation as set forth in 37 C.F.R. § 3.11 on December 20, 2004, well before issuance of the patent on February 24, 2009. The Assignment was recorded in the U.S. Patent and Trademark Office on December 20, 2004 at Reel/Frame 016115/0872.

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CENTRAL FAX CENTER
APR 0 8 2009

It is noted that an error appears in this patent of a minor nature or character, as more fully described below. It occurred in good faith. Correction thereof does not involve such changes in the patent as would constitute new matter or would require re-examination. A Certificate of Correction in the name of the Assignee is requested.

An error occurred on the Fee(s) Transmittal form, where Applicants attorney inadvertently entered the name and residence of the Assignee as "Xerox Corporation, Norwalk, CT".

Submitted hereto, in duplicate, is PTO/SB/44, with at least one copy being suitable for printing.

The exact page and line (or Field) in the printed patent where the error occurs is:

First Page

(73) Assignee: Xerox Corporation *[should be Palo Alto Research Center Incorporated]*,
Norwalk, CT (US) *[should be Palo Alto, CT (US)]*

Please send the Certificate to:

Mark S. Svat, Esq.
Fay Sharpe LLP
1228 Euclid Ave, 5th Floor
Cleveland, Ohio 44115

The Commissioner is hereby authorized to charge the fee in the amount of $130.00 to cover the processing fee required by 37 C.F.R. § 1.17(i) and the fee of $100.00 as set forth in 37 C.F.R. § 1.20(a) to cover the Request for Certificate of Correction Under 37 C.F.R. § 1.323 to Deposit Account No. 06-0308. Please charge any additional fees required by this paper or credit any overpayment to Deposit Account No. 06-0308.

PAGE 3/6 * RCVD AT 4/8/2009 2:53:39 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/45 * DNIS:2738300 * CSID:2163639001 * DURATION (mm-ss):01-38

Respectfully submitted,

FAY SHARPE LLP

4-8-09
Date

Mark S. Svat, Reg. No. 34,261
1228 Euclid, Fifth Floor
Cleveland, OH 44115
216-363-9000

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being ☒ transmitted to the USPTO via facsimile (571-273-8300) on the date indicated below.	
	Signature: Karen M. Forsyth
Date: 4-8-09	Name: Karen M. Forsyth

N:\XERZ\200860\US\KMF0009905V001.docx

PAGE 4/6 * RCVD AT 4/8/2009 2:53:39 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/45 * DNIS:2738300 * CSID:2163639001 * DURATION (mm-ss):01-38

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,495,721 B2

APPLICATION NO.: 11/016,975

ISSUE DATE : February 24, 2009

INVENTOR(S) : Scott A. Elrod

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:

(73) Assignee: Palo Alto Research Center Incorporated, Palo Alto, CA (US)

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

Fay Sharpe LLP
1228 Euclid Avenue, 5th Floor
Cleveland, OH 44115

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.

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,495,721 B2

APPLICATION NO.: 11/016,975

ISSUE DATE : February 24, 2009

INVENTOR(S) : Scott A. Elrod

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:

(73) Assignee: Palo Alto Research Center Incorporated, Palo Alto, CA (US)

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

Fay Sharpe LLP
1228 Euclid Avenue, 5th Floor
Cleveland, OH 44115

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THOMAS WINTER
1211 SHERWOOD ROAD
HIGHLAND PARK, IL 60035

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JUN 06 2007

OFFICE OF PETITIONS

In re Application of :
Thomas Winter, et al. :
Application No. 11/017,029 :
Filed: December 18, 2004 :
Attorney Docket No. None :

ON PETITION

This is a decision in response to the petition, filed February 2, 2007, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **DISMISSED** because it is not properly signed. The petition is signed by one of the two joint inventors.

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

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

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

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

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

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

Further, 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

[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).

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

The petition lacks the unintentional delay statement noted in item (3).

Therefore, as the petition containing the statement of unintentional delay is not signed by all the inventors and the record herein fails to disclose that petitioner herein (Thomas Winter) was ever given a power of attorney to act on behalf of the other inventors, the petition is considered to not contain a proper statement of unintentional delay.

This decision is made without prejudice to reconsideration. However, any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)" and the omissions noted above.

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

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

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

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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[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.

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THOMAS WINTER
1211 SHERWOOD ROAD
HIGHLAND PARK, IL 60035

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SEP 26 2007

OFFICE OF PETITIONS

In re Application of :
Thomas Winter, et al. :
Application No. 11/017,029 :
Filed: December 18, 2004 :
Attorney Docket No. None :

ON PETITION

This is a decision on the renewed petition, filed July 26, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The application became abandoned for a failure to reply in a timely manner to the non-final Office action mailed April 5, 2006. On February 2, 2007 a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed by a decision mailed June 6, 2007. In response, on July 26, 2007, the present petition was filed.

The petition now complies with the requirements of 37 CFR 1.137(b). Accordingly, the petition is **GRANTED**.

The application is being referred to Technology Center AU 3711 for appropriate action by the Examiner in the normal course of business on the response received February 2, 2007.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

APR 11 2007

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

BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, N.W.
WASHINGTON DC 20001

In re Application of	:
Jonas Graversen et al	:
Serial No. 11/017,037	: DECISION ON PETITION
Filed: December 21, 2004	:
Attorney Docket No.: GRAVERSEN=1B	:

This letter is in response to the Petition (and Response) under 37 C.F.R. 1.181, filed January 30, 2007, requesting that the restriction requirement be vacated or modified and withdrawal of a Non-Responsive letter.

BACKGROUND

This application was filed on December 21, 2004, under 35 U.S.C. 111 and contained claims 1-62. The examiner mailed a restriction requirement to applicants on May 4, 2006, setting forth a 31-way restriction requirement based on various Sequences and other criteria.

On November 6, 2006, applicants filed a reply to the requirement in which they elected Group IV, a specific sequence for the polypeptide associated with the TTN modules, a specific spacer, disorder and disease. The reply appeared to comply with all of the examiner requirements. Applicants also extensively traversed the requirement and offered alternatives as to how the application should be restricted.

On December 4, 2006, the examiner mailed to applicants a letter indicating the reply was not fully responsive to the requirement for restriction and pointed out the supposed deficiencies of the response.

On January 30, 2007, applicants filed this combined petition for review of the restriction requirement and response to the Non-responsive letter.

DISCUSSION

Applicants first petition to have the letter indicating the previous response was incomplete withdrawn on the basis that applicants did reply to each and every requirement the examiner set forth in the restriction requirement even though some of the elections were unnecessary in view of the Group elected. Applicants' reply has been reviewed and applicants are correct in their assertion. In view thereof the letter indicating the response was incomplete is hereby withdrawn.

Applicants also petition and traverse the restriction requirement and request it be modified or withdrawn. Under 37 CFR 1.181(f) the Office may require that an examiner's action be a repeated action prior to review by a supervising authority. Inasmuch as the petition requirement was set forth by the examiner and, other than a letter of Non-responsive amendment being sent out, has not been further reviewed or the traverse by applicant been considered by the examiner the request for review thereof is dismissed as premature.

DECISION

For the above reasons, the Petition requesting withdrawal of the Office action mailed December 4, 2006, is **GRANTED.**

The petition requesting review of the restriction requirement is **DISMISSED.**

The application will be forwarded to the examiner for consideration of applicants' reply filed December 6, 2006, and the paper filed January 30, 2007, insofar as it relates to the traversal of the restriction requirement and further action not inconsistent with this decision.

Should there by any questions regarding this decision, please contact Special Program Examiner, 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.

Bruce M. Kisliuk
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HOGAN & HARTSON L.L.P.
1999 AVENUE OF THE STARS
SUITE 1400
LOS ANGELES, CA 90067

Mail Date: 04/21/2010

Applicant	: Shinya Yuda	: DECISION ON REQUEST FOR
Patent Number	: 7610259	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/017,038	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1123** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BERKELEY LAW & TECHNOLOGY GROUP, LLP
1700 NW 167TH PLACE
SUITE 240
BEAVERTON, OR 97006

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MAR 0 9 2007

OFFICE OF PETITIONS

In re Application of	:	
Yu-Da Shiu et al	:	
Application No. 11/017,053	:	DECISION ON PETITION
Filed: December 21, 2004	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. IT0118-US CIP1	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed August 9, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

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

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

The petition does not satisfy item (1) above.

The reference to add the above-noted, prior-filed application in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after

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

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

It is noted that, on August 29, 2006, a communication from the Examiner was mailed approving the amendment to the specification. However, as the amendment contains an improper incorporation by reference statement, the petition to accept the delayed claim for benefit of priority cannot be granted at this time. Accordingly, as the issue fee in this case was paid on August 14, 2006, 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) if the patent does not issue with newly added claim for benefit of priority to Application No. 09/749,377.

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 Irvin Dingle at (571) 272-3210.

Frances Hicks
Petition Examiner
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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BERKELEY LAW & TECHNOLOGY GROUP, LLP
17933 NW EVERGREEN PARKWAY, SUITE 250
BEAVERTON, OR 97006

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OFFICE OF PETITIONS

In re Application of	:	
Yu-Da Shiu et al	:	
Application No. 11/017,053	:	DECISION ON PETITION
Filed: December 21, 2004	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. IT0118-US CIP1	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed March 21, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the renewed 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.

This application has matured into Patent No. 7,205,641 on April 17, 2007, and included the claim for priority to Application No. 09/749,377, the subject of the present petition under 37 CFR 1.78(a)(3). Accordingly, no further action is required in this matter.

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 Irvin Dingle at (571) 272-3210. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Frances Hicks
Petition Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/017,053	12/21/2004	2826	2900	IT0118-US CIP1	40	6

CONFIRMATION NO. 8629

CORRECTED FILING RECEIPT

43831
BERKELEY LAW & TECHNOLOGY GROUP, LLP
17933 NW Evergreen Parkway, Suite 250
BEAVERTON, OR 97006

OC000000026333639

Date Mailed: 11/06/2007

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Yu-Da Shiu, Hsinchu, TAIWAN;
Chyh-Yih Chang, Hsinchu, TAIWAN;
Ming-Dou Ker, Hsinchu, TAIWAN;
Che-Hao Chuang, Hsinchu, TAIWAN;

Power of Attorney: The patent practitioners associated with Customer Number 00043831

Domestic Priority data as claimed by applicant

This application is a CIP of 10/702,437 11/07/2003 ABN
which is a DIV of 09/749,377 12/28/2000 PAT 6,690,065

Foreign Applications

If Required, Foreign Filing License Granted: 02/11/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/017,053**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

POLYDIODE STRUCTURE FOR PHOTO DIODE

Preliminary Class

257

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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CHAPMAN AND CUTLER
111 WEST MONROE STREET
CHICAGO, IL 60603

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SEP 2 3 2005

OFFICE OF PETITIONS

In re Application of	:	
Noritaka Mutou	:	
Application No. 11/017,071	:	ON PETITION
Filed: December 20, 2004	:	
Attorney Docket No. 1716190	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 12, 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 Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed February 28, 2005, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 29, 2005.

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

This matter is being referred to Technology Center AU 2837.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052

Mail Date: 04/21/2010

Applicant	: David Leininger Adolphson Anson	: DECISION ON REQUEST FOR
Patent Number	: 7629966	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/017,073	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1092** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.: 2/11/2009

DATE : February 23, 2009

TO SPE OF : ART UNIT 2457 11/017,096

SUBJECT : Request for Certificate of Correction for Appl. No.: ~~11/170,9~~ /7487250

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Magdalene Talley
Certificates of Correction Branch
703-308-9390 ext. 120

Thank You For Your Assistance

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

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

Comments: Figure 2 reported missing from the issued patent is in the printed patent. Certificate of correction was filed in error from the applicant side. No further action is required. (Applicant confirmed the error.)

/Ario Etienne/ Digitally signed by /Ario Etienne/ DN: cn=/Ario Etienne/, c=US Reason: I am approving this document Date: 2010.03.04 19:09:03 -05'00'

SPE 2457 **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

Date Mailed : March 17, 2010
Serial No. :11/017096
Patent No. :7,487,250 B2
Patent Issued :February 3, 2009
Title :METHOD AND APPARATUS FOR DIRECTING A FLOW OF DATA BETWEEN A CLIENT AND MULTIPLE SERVERS

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.

Respecting the alleged error noted in your request changes to figure 2 reported missing from the issued patent is in the printed patent. Certificate of correction was filed in error from the applicant side. No further action is required. (Applicant confirmed the error).

In view of the foregoing your request is hereby denied.

Magdalene Talley
For Mary F. Diggs, Supervisor
Decisions and Certificate
Of Correction Branch
(571)272-0423
FAX 571-270-9942

Bainwood, Huang & Associates, LLC
2 Connector Rd.
Westborough, MA 01581

MD/mt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Microsoft Corporation
One Microsoft Way
Redmond, WA 98052

Mail Date: 04/21/2010

Applicant	: Emily Rimas-Ribikauskas	: DECISION ON REQUEST FOR
Patent Number	: 7619616	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/017,115	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **807** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 : 10/28/08

TO SPE OF : ART UNIT 2612

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/017128 Patent No.: 7405650 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

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: Changes to Column 3, lines 64, 65 are not found (they are found on Col. 4, lines 64, 65 respectively);

Change to Column 5, line 67 is not found (it is found in Col. 5, line 66; "vise" should have been spelled --vice--);

Changes to Column 30, lines 32-26 corresponding to Claims 3-5 re-arrange the claims but not their subject matter

and therefore do not correct any errors.

/Benjamin C. Lee/ — **SPE**

2612 — **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : **November 08,2007**

TO SPE OF : ART UNIT **2891**

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/017,129** Patent No.: **7253050 B2**

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

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

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

DO NOT SENT TO ATTORNEY

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

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

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

LAMONTE NEWSOME

Certificates of Correction Branch

703-308-9390 ext. 112

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

Chandra Chaudhari 2891

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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DUANE MORRIS LLP - Princeton
PO BOX 5203
PRINCETON, NJ 08543-5203

Mail Date: 04/21/2010

Applicant	: Charles W. Cha	: DECISION ON REQUEST FOR
Patent Number	: 7585300	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/017,150	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1238** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

Timothy E Siegel Patent Law, PLLC
601 108th Avenue, Suite 1900
Bellevue, WA 98004

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JUN 12 2008

OFFICE OF PETITIONS

In re Application of	:	
Lawrence E. Rinehart, et. al.	:	
Application No. 11/017,184	:	ON PETITION
Filed: December 18, 2004	:	
Attorney Docket No. RI2.005	:	

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

The application became abandoned for failure to respond to the Notice of Not Fully Responsive Reply for Applications under Accelerated Examination mailed May 24, 2007. A Notice of Abandonment was mailed on February 13, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment and amendment to the specification; (2) the petition fee of $750; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 2826 for review of the amendment filed with the instant petition.

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PATTI, HEWITT & AREZINA LLC
ONE NORTH LASALLE STREET
44TH FLOOR
CHICAGO IL 60602

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In re Application of	:	
Peter Dragic	:	
Application No. 11/017,192	:	ON PETITION
Filed: December 20, 2004	:	
Attorney Docket No. NEO-031223/NEO-102	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 9, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure s to timely pay the issue and publication fees on or before October 25, 2007, as required by the Notice of Allowance and Fee(s) Due mailed July 25, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 26, 2007. The Notice of Abandonment was mailed November 28, 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) (2).

The petition fee set forth in 37 CFR 1.17(m) is $770 in which $750 has been received. There is $20 still due to complete the filing fee for the instant petition.

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

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

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

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

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

Chris Bottorff
Petitions Examiner
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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Carmen Patti Group , LLC
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44TH FLOOR
CHICAGO IL 60602

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JUN 04 2009

OFFICE OF PETITIONS

In re Application of	:	
Peter Dragic	:	
Application No. 11/017,192	:	DECISION ON PETITION
Filed: December 20, 2004	:	
Attorney Docket No. NEO-031223/NEO-102	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 7, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 25, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed July 25, 2007. Accordingly, the date of abandonment of this application is October 26, 2007. The Notice of Abandonment was mailed November 28, 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 $720 and the publication fee of $300, (2) the petition fee of $770; and (3) a proper statement of unintentional delay.

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

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

Chris Bottorff
Petitions Examiner
Office of Petitions

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PTO/SB/64 (11-07)
Approved for use through 11/30/2007. OMB 0651-0031
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Docket Number (Optional)

First named inventor: PETER DRAGIC

Application No.: 11/017,192 Art Unit: 2828

Filed: 12.20.2004 Examiner: ARMANDO RODRIGUEZ

Title: INJECTION SEEDED, Q-SWITCHED FIBER RING LASER

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

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

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

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

1. Petition fee
[X] Small entity fee $ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
[ ] Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee
A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):
[ ] has been filed previously on _____
[ ] is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ 1000.00
[ ] has been paid previously on _____
[X] is enclosed herewith.

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

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

Adjustment date: 06/04/2009 CKHLUK
05/20/2009 CKHLUK 00000007 11017192
01 FC:1999 -770.00 OP

Adjustment date: 06/04/2009 CKHLUK
05/20/2009 CKHLUK 00000007 11017192
01 FC:1999 -770.00 OP

11/15/2007 WASFAW1 00000001 11017192
03 FC:1999 750.00 OP

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PTO/SB/64 (11-03)
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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.

3. Terminal disclaimer with disclaimer fee

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

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

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

WARNING:

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

Signature	11/09/07 Date
PETER DRAGIC Typed or printed name	Registration Number, if applicable
1307 BLUEGRASS LANE Address	(217) 378-9615 Telephone Number
CHAMPAIGN, ILLINOIS 61822 Address	

Enclosures: [X] Fee Payment

[X] Reply

[ ] Terminal Disclaimer Form

[ ] Additional sheets containing statements establishing unintentional delay

[X] Other: CHANGE OF CORRESPONDENCE ADDRESS

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.

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

11.09.2007 Date	Signature
	PETER DRAGIC Typed or printed name of person signing certificate

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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WASHINGTON DC 20007

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OFFICE OF PETITIONS

In re Patent No. 7,484,433	:	DECISION ON REQUEST
Arakawa et al.	:	FOR
Issue Date: February 3, 2009	:	RECONSIDERATION OF
Application No. 11/017,193	:	PATENT TERM ADJUSTMENT
Filed: December 21, 2004	:	and
Atty Docket No. 051841-0117	:	NOTICE OF INTENT TO ISSUE
	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on March 31, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand forty-six (1046) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand forty-six (1046) days is **GRANTED.**

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand forty-six (1046)** days.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,484,433 B2

DATED : **February 3, 2009** **DRAFT**

INVENTOR(S) : Arakawa 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 725 days

Delete the phrase "by 725 days" and insert – by 1046 days--

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Dykema Gossett PLLC
Third Floor West
1300 I Street NW
Washington DC 20005

In re Application of	:
Lloyd	:
Application No. 11/017,208	: LETTER REGARDING PTA
Filed: Dec. 21, 2004	:
Attorney Docket No. 66072-024	:

This decision is in response to Applicants' letter mailed March 7, 2006 requesting that the Office review the PTA determination at the time of the notice of allowance. Applicant's requests the Office to review the PTA determination because applicants believe there may be too much time was awarded in the determination at the time of the mailing of the notice of allowance.. The office thanks applicant for his/her good faith and candor in bringing this matter to the attention of the Office.

Applicant's letter requesting reconsideration of PTA as being too much is **GRANTED.** The Office will adjust the PTA at the time of the notice of allowance to be adjusted to be Zero (0) days.

A review of the Office history reveals that applicant is correct in asserting that the Office did err. The Office erred by entering th date of the amendment after final rejection as February 2, 2005 rather than the date of February 2, 2006. Accordingly, the Office considered the response of June 24, 2005 as the response to the improper amendment date of February 2, 2005. Accordingly, the Office treated the period of response under 37 CFR 1.704(b) to be 26 days over the four-month limit. However, the actual date of the amendment was February 2, 2006. The Office responded to such amendment within four months because the Office issued a notice of allowance on February 28, 2006. Accordingly the Office did not delay under 37 CFR 1.702(a)(2) by a period of twenty-six (26) days. This application had no delay by either applicant or the USPTO.

The Office will adjust the PTA determination to reflect this decision. A copy of the adjusted PAIR calculation will accompany this decision.

After mailing of this decision, the Office will forward this application to the Office of Patent Publication for a prompt issuance of this application. The Office notes that any delays in failing to issue such application within four months of the submission of the issue fee and other requirements being satisfied will be added in the determination occurring at the time of the issuance of the application.

Because the applicants are bring this discrepancy to the attention of the Office, the Office will not assess any fee for applicants' good faith and candor.

Any questions concerning this decision should be directed to Kery A. Fries, Senior Legal Advisor, Office of Patent Legal Administration, at 571-272-7757.

Kery A Fries

Kery Fries
Senior Legal Ad visor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy.

UNITED STATES PATENT AND TRADEMARK OFFICE

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ENTELOS, INC.
C/O LAW OFFICES OF KAREN E. FLICK
P.O. BOX 515
EL GRANADA CA 94018-0515

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OFFICE OF PETITIONS

In re Application of :
Vincent J. HUREZ et al. :
Application No. 11/017,213 :
Filed: December 17, 2004 :
Attorney Docket No. ENTL-021.US1 :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 11, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed May 04, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 07, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee of $770.00; and (3) a proper statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 12/082,508 filed April 11, 2008.

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

This application is being referred to Technology Center AU 1644 for processing of the Divisional application.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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Todd A. Norton
REED SMITH LLP
2500 One Liberty Place
1650 Market Street
Philadelphia PA 19103-7301

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JUN 11 2007

OFFICE OF PETITIONS

In re Application of	:	
Gentile, et al.	:	
Application No. 11/017,215	:	DECISION DISMISSING PETITION
Filed: December 20, 2004	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 04-40397-US	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 28, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed nonprovisional Application No. 10/384,236, filed March 6, 2003.

The petition is **DISMISSED**.

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

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

The amendment as drafted is unacceptable and, therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(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.

In addition, it is noted that petitioners request that paragraph **2** be replaced by the informal amendment. The benefit claim should be in the first line of the specification following the title.

It is noted that the informal amendment does not list any of the previously claimed provisional applications.

Before the petition can be granted, petitioner must address the above matters, submit a substitute amendment in compliance with the aforementioned rules, and submit a renewed petition under 37 CFR 1.78(a)(3).[1] No additional petition fee is required for the renewed petition.

Petitioners were charged two surcharges. Only one is required. Petitioners' credit card will be refunded $1,370.00 is due course.

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

[1] The claim for priority may also be made in an Application Data Sheet in compliance with 37 CFR 1.121 and 37 CFR 1.76(b)(5).

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Todd A. Norton
REED SMITH LLP
2500 One Liberty Place
1650 Market Street
Philadelphia PA 19103-7301

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OFFICE OF PETITIONS

In re Application of	:	
Gentile, et al.	:	
Application No. 11/017,215	:	DECISION DISMISSING PETITION
Filed: December 20, 2004	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 04-40397-US	:	

This is a decision on the reconsideration petition under 37 CFR 1.78(a)(3), filed July 26, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed nonprovisional Application No. 10/384,236, filed March 6, 2003.

The petition is **DISMISSED**.

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

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

The petition does not satisfy item (1) above.

The reference is not acceptable as drafted since it improperly incorporates by reference Application No. 60/634,436. Application No 60/634,436 was added to the specification by preliminary amendment on February 10, 2005. 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 after the filing date of the application, the amendment would not be proper. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matter is required.

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

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By fax: (571) 273-8300
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Any questions concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Gentile, et al.	:	
Application No. 11/017,215	:	DECISION DISMISSING PETITION
Filed: December 20, 2004	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 04-40397-US	:	

This is a decision on the reconsideration petition under 37 CFR 1.78(a)(3), filed September 13, 2007 and supplemented on November 26, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed nonprovisional Application No. 10/384,236, filed March 6, 2003.

The petition is **DISMISSED**.

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

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

The petition does not satisfy item (1) above.

On further review of the amendment, it is noted that the reference is not acceptable as drafted because it states that that Application No. 10/384,236, filed March 6, 2003, claims priority to provisional Application No. 60/530,539, filed December 18,

2003, and provisional Application No. 60/634,436, filed December 8, 2004. As both of the provisional applications were filed after Application No. 10/384,236 was filed, it is impossible for Application No. 10/384,236 to claim priority to the provisional applications. Suggested correction of the amendment would replace "which" in the second line for "and this application."

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matter is required.

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:

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401 Dulany Street
Alexandria, VA 22314

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: EDWARD F. BEHM, JR.
GIBBONS P.C.
18TH AND ARCH STREETS
1700 TWO LOGAN SQUARE
PHILADELPHIA PA 19103

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NEWARK NJ 07102

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OFFICE OF PETITIONS

In re Application of	:	
Gentile, et al.	:	
Application No. 11/017,215	:	DECISION GRANTING PETITION
Filed: December 20, 2004	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 04-40397-US	:	

This is a decision on the reconsideration petition under 37 CFR 1.78(a)(3), filed December 21, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed nonprovisional Application No. 10/384,236, filed March 6, 2003.

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 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 of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt

accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3230. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2884 for consideration by the examiner of applicants' entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

In re Application of :
Lee : DECISION REFUSING STATUS
Application No. 11/017,219 : UNDER 37 CFR 1.47(b)
Filed: January 10, 2005 :
Atty. Dkt. No.: 8733.1275.00 :
For: LIQUID CRYSTAL DISPLAY :
DEVICE AND DRIVING METHOD :
THEREOF :

The above-identified application has been referred to the Office of Petitions in response to the "RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION," filed July 1, 2005. This matter is being treated under 37 CFR 1.47(b) as a petition to accord the above-identified application status under Rule 47.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed January 10, 2005 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed January 26, 2005 requiring, *inter alia*, an executed oath or declaration and a surcharge.

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

and 116; (3) the petition fee;(4) a statement of the last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) a showing that such action is required to preserve the rights of the parties or to prevent irreparable damages.

The instant petition fails to satisfy items (1), (2), (4), (5), and (6) set forth above.

As to item (3), the required petition fee of $200.00 has been charged to deposit account No. 50-0911.

As to item (1), petitioners have failed to establish that the non-signing inventor has refused to execute the oath or declaration after having been presented with the complete application papers (specification including claims, drawings, and oath or declaration) or cannot be located for presentation of the application papers.

Before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor at the non-signing inventor's last known address, typically a residential address.

Any renewed petition must establish that the non-signing inventor was presented with a complete copy of the application papers and thereafter refused to execute the oath or declaration.

Where inability to reach or locate a non-signing inventor is alleged, petitioners are required to establish that diligent effort was made to locate the non-signing inventor and provide the non-signing inventor with a complete copy of the patent application (specification, including claims, drawings, and oath or declaration). Petitioners have not established that diligent effort has been made to locate the non-signing inventor for presentation of the application papers.

Any renewed petition must be supported by evidence that sufficiently establishes that despite diligent effort, the non-signing inventor cannot be located. A statement of facts should be submitted that fully describes the exact facts that are relied on to establish that a *diligent effort* was made to locate the non-signing inventor. The statement of facts must be signed, where at all possible, by a person having *firsthand knowledge* of

the facts recited therein. Statements based on hearsay, will not normally be accepted. At the very least, a search of the internet, human resource records, telephone directories, etc. should be undertaken in regions where it is suspected the non-signing inventor may reside. Petitioner should reference and supply evidence of any such searches in a renewed petition. *See*, MPEP 409.03(d).

As to item (2), petitioners have failed to present a declaration in accordance with 37 CFR 1.63. Any renewed petition must be accompanied by a newly executed oath or declaration in full compliance with 37 CFR 1.63 and 37 CFR 1.64 and/or 37 CFR 1.76.

As to item (4), the petition fails to set forth the last known address of the non-signing inventor as required under 37 CFR 1.47.

As to item (5), petitioner has failed to sufficiently establish a proprietary interest in the instant application. While the instant petition is accompanied by a copy of an application for employment, the application does not detail a proprietary agreement regarding intellectual property rights insofar as the instant application for patent is concerned. Petitioners 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).

As to item (6), petitioner has failed to present a showing that action under 37 CFR 1.47 is required to preserve the rights of the parties or to prevent irreparable damages. Irreparable damage may be established by a showing in the form of a statement that a filing date is necessary to preserve the rights of the party or to prevent irreparable damage.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By hand:	U.S. Patent and Trademark Office Customer Service Window Mail Stop Petition

Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

In re Application of	:
Lee	: DECISION REFUSING STATUS
Application No. 11/017,219	: UNDER 37 CFR 1.47(b)
Filed: January 10, 2005	:
Atty. Dkt. No.: 8733.1275.00	:
For: LIQUID CRYSTAL DISPLAY	:
DEVICE AND DRIVING METHOD	:
THEREOF	:

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OFFICE OF PETITIONS

This decision is in response to the renewed petition under 37 CFR 1.47(b) filed March 10, 2006.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed January 10, 2005 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed January 26, 2005. A petition under 37 CFR 1.47(b) was filed July 1, 2005 and dismissed August 10, 2005.

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee;(4) a statement of the last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) a showing that such action is required to

preserve the rights of the parties or to prevent irreparable damages.

The instant petition fails to satisfy items (1), (2), (5), and (6) set forth above.

As to item (1), petitioner has failed to establish that the non-signing inventor cannot be located for presentation of the application papers.

Where inability to reach or locate a non-signing inventor is alleged, petitioner is required to establish that diligent effort was made to locate the non-signing inventor and provide the non-signing inventor with a complete copy of the patent application (specification, including claims, drawings, and oath or declaration). Petitioner has not established that diligent effort has been made to locate the non-signing inventor for presentation of the application papers. Instead, petitioner has forwarded documents to the inventor's last known address, an address that petitioner acknowledges the inventor does not currently reside.

Any renewed petition must be supported by evidence that sufficiently establishes that despite diligent effort, the non-signing inventor cannot be located. A statement of facts should be submitted that fully describes the exact facts that are relied on to establish that a *diligent effort* was made to locate the non-signing inventor. The statement of facts must be signed, where at all possible, by a person having *firsthand knowledge* of the facts recited therein. Statements based on hearsay, will not normally be accepted. At the very least, a search of the internet, human resource records, telephone directories, etc. should be undertaken in regions where it is suspected the non-signing inventor may reside. Petitioner should reference and supply evidence of any such searches in a renewed petition. *See*, MPEP 409.03(d).

As to item (2), petitioners have failed to present a declaration in accordance with 37 CFR 1.63. Any renewed petition must be accompanied by a newly executed oath or declaration in full compliance with 37 CFR 1.63 and 37 CFR 1.64 and/or 37 CFR 1.76.

As to item (5), petitioner has failed to sufficiently establish a proprietary interest in the instant application. While the instant petition is accompanied by a copy of an application for employment, the application does not detail a proprietary agreement regarding intellectual property rights insofar as the instant application for patent is concerned. Petitioners must make out a prima facie case

(a) that the invention has been assigned to him or her or (a) that the inventor has agreed in writing to assign the invention to him or her or (c) otherwise demonstrate a proprietary interest in the subject matter of the application. *See*, MPEP 409.03(f).

There is no indication in the official record that the inventor has been assigned the instant application. The translation of copies of assignment documents do not reflect that these documents were executed by the inventor.

Any renewed petition must comply with (a), (b), or (c) referenced above.

As to item (6), petitioner has failed to present a showing that action under 37 CFR 1.47 is required to preserve the rights of the parties or to prevent irreparable damages. Irreparable damage may be established by a showing in the form of a statement that a filing date is necessary to preserve the rights of the party or to prevent irreparable damage.

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

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

By facsimile: (571) 273-8300

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

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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DEC 15 2006
OFFICE OF PETITIONS

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

In re Application of	:
Lee	: DECISION REFUSING STATUS
Application No. 11/017,219	: UNDER 37 CFR 1.47(b)
Filed: January 10, 2005	:
Atty. Dkt. No.: 8733.1275.00	:
For: LIQUID CRYSTAL DISPLAY	:
DEVICE AND DRIVING METHOD	:
THEREOF	:

This decision is in response to the renewed petition under 37 CFR 1.47(b) filed October 12, 2006.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed January 10, 2005 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed January 26, 2005. A petition under 37 CFR 1.47(b) was filed July 1, 2005 and dismissed August 10, 2005. A renewed petition under 37 CFR 1.47(b) was filed March 10, 2006 and dismissed May 12, 2006.

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee;(4) a statement of the last known address of the non-signing inventor; (5) proof of proprietary

interest; and (6) a showing that such action is required to preserve the rights of the parties or to prevent irreparable damages.

The instant petition fails to satisfy items (2) and (6) set forth above.

As to item (2), petitioner has failed to present a declaration in accordance with 37 CFR 1.63. Any renewed petition must be accompanied by a newly executed oath or declaration in full compliance with 37 CFR 1.63 and 37 CFR 1.64 and/or 37 CFR 1.76.

Any renewed petition should be accompanied by a proper oath or declaration wherein the name, address, residence, and citizenship of the inventor is set forth. The declaration should be executed by a corporate officer, such as the president, vice president, secretary, or treasurer of the assignee on behalf of and as agent for the non-signing inventor. The corporate officer's title or position must be identified in the declaration. If an officer is unavailable to execute the declaration, the declaration may be signed on behalf of the corporation by one whose proof of signing authority has been submitted to the Office, such as the corporation's attorney. The signature block of the non-signing inventor should remain unexecuted. *See* MPEP 409.03(b) and 37 CFR 3.73(b).

As to item (6), petitioner has failed to present a showing that action under 37 CFR 1.47 is required to preserve the rights of the parties or to prevent irreparable damages. Irreparable damage may be established by a showing in the form of a statement that a filing date is necessary to preserve the rights of the party or to prevent irreparable damage.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By hand:	U.S. Patent and Trademark Office Customer Service Window Mail Stop Petition Randolph Building 401 Dulany Street

Alexandria, VA 22314

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04/01/10

TO SPE OF : ART UNIT 3624

SUBJECT : Request for Certificate of Correction for Appl. No.: 11017285 Patent No.: 7437308

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580

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

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

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

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

Comments: _____

BV Boswell
SPE

3624 (Acting)
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SAP / FINNEGAN, HENDERSON LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Mail Date: 04/21/2010

Applicant	: Alexander Gebhart	: DECISION ON REQUEST FOR
Patent Number	: 7603404	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/017,291	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1161** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

Date : March 21, 2007

Patent No. : 7,169,876 B2
Inventor(s) : Asher
Issued : January 30, 2007
Title : **DUAL CURE POLYUREA COATING COMPOSITION**
Docket No. : 31805.3

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 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 denied.

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.

Elisha Evans
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 110

DINSMORE & SHOHL LLP
One Dayton Centre, Suite 1300
One South Main Street
Dayton OH 45402-2023

CBN/eme

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

DINSMORE & SHOHL LLP
One Dayton Centre, Suite 1300
One South Main Street
Dayton OH 45402-2023

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JUL 18 2007

OFFICE OF PETITIONS

In re Application of	:	
Richard E. Asher	:	
Application No. 11/017299	:	DECISION
Filing or 371(c) Date: 12/20/2004	:	ON PETITION
Patent No.: 7169876	:	
Issue Date: 01/30/2007	:	
Attorney Docket Number:	:	
RED 0001 IA/31805.3	:	

This is a decision on the correspondence entitled "Request for Certificate of Correction Under 35 USC §254/255 and 37 CFR §1.322/323, with a Request Under 37 CFR §3.81(b), filed Petition," filed April 4, 2007, to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction. The petition is properly treated under 37 CFR 3.81(b)[1]. The delay in treating this petition is regretted.

The Petition is **granted**.

The request for certificate of correction, and fee as required by 3.81(b) were filed March 5, 2007. Further, Office assignment records reflect that Freda Incorporated, is the assignee of record. As the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed after issuance of this application into a patent.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

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

Derek L. Woods
Attorney
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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SNELL & WILMER LLP (OC)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

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OFFICE OF PETITIONS

In re Application of
Matsukawa, et al.
Application No. 11/017,302
Filed: December 20, 2004
Attorney Docket No. 52534-1700 // 2078.1002
For: RMOTE CONTROL TOY TOP

ON PETITION

This is a decision on the petition, filed December 10, 2007, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the February 12, 2007 non-final Office action. No response being received and no extensions of time being obtained under the provisions of 37 CFR 1.136(a), this application became abandoned on May 13, 2007. A Notice of Abandonment was mailed on September 11, 2007.

Applicants have submitted an amendment in reply to the February 12, 2007 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the February 12, 2007 non-final Office action, and the petition fee.

Regarding the statement of delay: The statement of unintentional delay was not signed by a person who would have been in a position of knowing that the delay in filing a timely response was unintentional. In the event that practitioner has no knowledge that the delay was in fact unintentional, practitioner should make a reasonable inquiry to ascertain that, in fact, the delay was unintentional. If practitioner discovers that the delay was intentional, practitioner must so notify the Office. A courtesy copy of this decision is being mailed to practitioner. However, any future correspondence regarding this application will be mailed to the address of record.

All of the requirements under 37 CFR 1.137(b) being met, the petition is granted.

After the mailing of this decision, the application will be returned to Technology Center AU 3711 for consideration of the amendment filed on December 10, 2007.

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

Shirene Willis Brantley

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

CC: STAAS AND HALSEY LLP
1201 NEW YORK AVE NW STE 700
WASHINGTON, DC 20005

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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Weaver Austin Villeneuve & Sampson LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

Mail Date: 04/29/2010

Applicant	: Shankar Natarajan	: DECISION ON REQUEST FOR
Patent Number	: 7613126	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/017,305	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/17/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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
Alexandria, VA 22313-1450
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TIMOTHY J. O'SULLIVAN
MYERS BIGEL SIBLEY & SAJOVEC
POST OFFICE BOX 37428
RALEIGH, NC 27627

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JAN 23 2008

OFFICE OF PETITIONS

In re Patent No. 7,266,029	:	
Application No. 11/017,335	:	
Filed: December 20, 2004	:	ON PETITION
Issued: September 4, 2007	:	
Attorney Docket No. 5649-1460	:	

This is a decision on the petition filed December 17, 2007, which is being treated as a request under 37 CFR 3.81(b)[1] to add the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Meyertons, Hood, Kivlin, Kowert, Goetzel/Symantec
P.O. Box 398
Austin, TX 78767-0398

Mail Date: 04/20/2010

Applicant	: Ronald S. Karr	: DECISION ON REQUEST FOR
Patent Number	: 7657578	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/017,356	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1308** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

Date :04/06/07

Patent No. : 7139114 B2
Ser. No. : 11/017,361
Inventor(s) : SCHMITZ, GREGORY P.
Issued : 11/21/06
Title : **BISYMMETRICAL ELECTRIC PAPER AND A SYSTEM THEREFOR**
Docket No. : 20030087-US-NP XERZ 2 008

Re: Request for Certificate of Correction

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

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

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

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

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

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Lamonte M. Newsome

Lamonte M. Newsome
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 #112 or (703) 308-8309

Joseph D. Dreher
FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP
SEVENTH FLOOR
1100 SUPERIOR AVENUE
CLEVELAND OH 44114-2579

LMN

UNITED STATES PATENT AND TRADEMARK OFFICE

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JOSEPH D. DREHER
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP
SEVENTH FLOOR
1100 SUPERIOR AVENUE
CLEVELAND OH 44114-2579

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JUN 19 2008

OFFICE OF PETITIONS

ON PETITION

In re Patent No. 7,139,114 :
Issued: November 21, 2006 :
Application No. 11/017,361 :
Filed: December 20, 2004 :
Attorney Docket Number: **20030087-US-NP** :
XERZ 2 008

This is a decision on the petition filed December 3, 2007 to correct the assignee's name on the front of the Patent which is being treated under 37 CFR 3.81(b)[1],

The petition is **GRANTED**.

Petitioner states that the failure to include the correct name of the assignee on the Fee(s) Transmittal form PTOL-85(b) filed September 13, 2006 was inadvertent. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct 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.

---

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

A request for a certificate of correction was filed March 5, 2007 and was dismissed in a decision mailed April 6, 2007 since the request was not accompanied by a petition under 37 CFR 3.81.

Office assignment records however, reflect that PALO ALTO RESEARCH CENTER INCORPORATED, is the assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to issue.

The petition fee in the amount of $130.00 and the fee for the certificate of correction in the amount of $100.00 have been 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

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

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

In re Application of	:	
Walter L. Heimerdinger et al.	:	
Application No. 11/017,382	:	DECISION ON PETITION
Filed: December 20, 2004	:	TO WITHDRAW
Attorney Docket No. H0006981 SBE: 1456 (256.	:	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 30, 2006.

The request is **NOT APPROVED**.

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, **The assignee/client has requested that the file be transferred to another attorney....**, do not meet any the conditions set forth in 37 CFR 10.40 because the assignee, Honeywell International, Inc., did not properly intervened according to 37 CFR 3.73(b).

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

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

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Honeywell International, Inc.**
101 Columbia Road
P.O. Box 2245
Morristown, NJ 07962

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/017,384	12/17/2004	3737	500	IL-11299	3	8	3

CONFIRMATION NO. 7605

CORRECTED FILING RECEIPT

OC000000015452182

Eddie E. Scott
Assistant Laboratory Counsel
Lawrence Livermore National Laboratory
P.O. Box 808, L-703
Livermore, CA 94551

Date Mailed: 03/14/2005

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)

Scot S. Olivier, Livermore, CA;
Carmen J. Carrano, Livermore, CA;

Assignment For Published Patent Application

The Regents of the University of California

Power of Attorney:

Eddie Scott--25220
Alan Thompson--29981
James Tak--46367
Michael Staggs--50938
John Lee--53193

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 02/15/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/017,384

Projected Publication Date: 06/22/2006

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

High-resolution ophthalmic imaging system

Preliminary Class

351

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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SAP / FINNEGAN, HENDERSON LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Mail Date: 04/21/2010

Applicant	: Alexander Gebhart	: DECISION ON REQUEST FOR
Patent Number	: 7587480	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/017,401	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1101** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MAILED

MAR 09 2005

Director's Office
Group 3700

Charles F. Meroni, Jr.
P.O. Box 309
Barrington, Illinois 60011

In re application of Fiore et al.	:	**DECISION ON PETITION TO MAKE SPECIAL UNDER 37 CFR. 1.102(c)**
Serial Number: 11/017408 Filed: December 20, 2004	:	

For: **ORAL HYGIENE KIT WITH DISPENSING TOOTHBRUSH**

This is a decision on the petition filed on December 20, 2004, under 37 CFR. 1.102(c) to make special the above identified application because of the age/health of the applicant. Since the requirements of the M.P.E.P Section 708.02 IV have been met, the petition will be GRANTED.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only is Petitioner makes a prompt bona-fide effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the Examiner to accomplish this purpose.

Summary: Decision on Petition **GRANTED**.

Richard A. Bertsch
Director
Technology Center 3700
(571) 272-3750

rt: 3/9/05

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MILLER IP GROUP, PLC
GENERAL MOTORS CORPORATION
42690 WOODWARD AVENUE
SUITE 200
BLOOMFIELD HILLS MI 48304

In re Application of:
Steinhilper, Eric A. et al
Serial No.: 11/017,413
Filed: Dec. 20, 2004
Docket: GP-305321-RD-KAM
Title: SYSTEM AND METHOD FOR OPTIMIZATION OF PRODUCT THROUGHPUT

DECISION ON PETITION TO REVIEW RESTRICTION REQUIREMENT UNDER 37 CFR 1.144

This is a decision on the petition filed Nov. 19, 2007 to review the restriction requirement issued on Mar. 26, 2007. The petition is being considered pursuant to 37 CFR 1.181 and CFR 1.144 and no fee is required for the petition.

The petition is **GRANTED**.

In his Nov. 19, 2007 petition, petitioner requests the examiner to withdraw the restriction requirement issued on Mar. 26, 2007 regarding process an apparatus for its practice claims under MPEP 806.05(e) because the applicant believes that the restriction requirement do not meet the criteria for a proper restriction. In particular, petitioner also argued that the non-elected claims 1-7 are closely related and not independent. Therefore, the request of withdrawal of the restriction requirement, as applied to claims 1-7 and reinstatement of these claims in the application should be granted.

After consulting with the examiner, it was agreed that the restriction requirement should be withdrawn. An Office action on the merits including claims 1-7 will follow in due course.

The application is being forwarded to the Supervisory Patent Examiner of Art Unit 3726 for further processing. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED

Frederick R. Schmidt, Director
Technology Center 3700

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DEC 1 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Rodney A. Hughes	:	LETTER REGARDING
Application No. 11/017,416	:	PATENT TERM ADJUSTMENT
Filed: December 20, 2004	:	
Atty Docket No. P05297P01	:	

This letter is in response to the "GOOD FAITH AND CANDOR LETTER REGARDING PATENT TERM ADJUSTMENT," filed on July 18, 2008. Applicants request, pursuant to applicant's duty of good faith and candor to the Office, that the initial determination of patent term adjustment under 35 USC 154(b) be set at no (0) days. The request is treated as a request to reduce the patent term adjustment from 62 days to no (0) days.

The request for correction of the initial determination of patent term adjustment (PTA) is **GRANTED**.

On April 18, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 USC 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is sixty-two (62) days.

Applicants disclose that a period of reduction of 65 days should be entered for the filing of a response, on July 6, 2005, three (3) months and 65 days after the mailing of the Notice to File Missing Parts mailed on February 2, 2005.

Upon review, applicants are correct.

37 CFR 1.704(b) states, in pertinent part that:

> 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 reply to the Notice to File Missing Parts was filed on July 6, 2005, or three (3) months and 65 days after the mailing of the Notice to File Missing Parts mailed on February 2, 2005. The patent term adjustment will therefore be reduced by 65 days.

In view thereof, the correct determination of PTA at the time of the mailing of the Notice of Allowance is **no (0) days** (64 days of PTO delay, reduced by 67 (65+2) days of Applicant delay).

As the instant letter was submitted to advise the Office of an error in Applicant's favor, the $200.00 application fee under 37 CFR 1.705(b) was not required, and has not been charged.

The Office thanks Applicants for their good faith and candor in bringing this matter to the attention of the Office.

The application is being forwarded to the Office of Data Management for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of adjusted PAIR calculation

Day : Thursday
Date: 12/4/2008

PALM INTRANET

Time: 18:59:03

PTA Calculations for Application: 11/017416			
Application Filing Date:	12/20/2004	PTO Delay (PTO):	64
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	2
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-65		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
59	12/04/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		65	
50	04/18/2008	MAIL NOTICE OF ALLOWANCE			
49	04/17/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
48	04/17/2008	ISSUE REVISION COMPLETED			
47	04/17/2008	DOCUMENT VERIFICATION			
46	04/08/2008	NOTICE OF ALLOWABILITY			
45	02/27/2008	DATE FORWARDED TO EXAMINER			
44	02/04/2008	RESPONSE AFTER NON-FINAL ACTION			
43	11/05/2007	MAIL NON-FINAL REJECTION			
42	11/01/2007	NON-FINAL REJECTION			
41	09/10/2007	DATE FORWARDED TO EXAMINER			
40	09/04/2007	RCE- AF PROCESSED			
39	09/10/2007	DATE FORWARDED TO EXAMINER			
38	09/04/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
37	09/10/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
36	09/04/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
35	08/16/2007	MAIL ADVISORY ACTION (PTOL - 303)			
34	08/15/2007	ADVISORY ACTION (PTOL-303)			
33	08/09/2007	DATE FORWARDED TO EXAMINER			
32	08/06/2007	AMENDMENT AFTER FINAL REJECTION			
31	06/04/2007	MAIL FINAL REJECTION (PTOL - 326)			
30	05/31/2007	FINAL REJECTION			
29	04/09/2007	PARALEGAL TD ACCEPTED			
28	03/27/2007	TERMINAL DISCLAIMER FILED		0	26

27	04/07/2007	DATE FORWARDED TO EXAMINER			
26	03/27/2007	RESPONSE AFTER NON-FINAL ACTION			
25	12/27/2006	MAIL NON-FINAL REJECTION			
24	12/21/2006	NON-FINAL REJECTION			
23	12/18/2006	DATE FORWARDED TO EXAMINER			
22	12/04/2006	AMENDMENT AFTER FINAL REJECTION			
21	10/02/2006	MAIL FINAL REJECTION (PTOL - 326)			
20	09/28/2006	FINAL REJECTION			
19	08/05/2006	DATE FORWARDED TO EXAMINER			
18	07/27/2006	RESPONSE AFTER NON-FINAL ACTION		2	17
17	04/25/2006	MAIL NON-FINAL REJECTION	64		-1
16	04/20/2006	NON-FINAL REJECTION			
15	03/06/2006	CASE DOCKETED TO EXAMINER IN GAU			
14	07/06/2005	PRELIMINARY AMENDMENT			
13	08/02/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
12	08/02/2005	CASE DOCKETED TO EXAMINER IN GAU			
11	07/19/2005	APPLICATION DISPATCHED FROM OIPE			
10	07/19/2005	APPLICATION IS NOW COMPLETE			
9	07/06/2005	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
8	07/06/2005	SMALL ENTITY STATEMENT (37 CFR 1.27)			
7	07/06/2005	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
4	12/20/2004	PGPUBS NONPUB REQUEST			
3	01/13/2005	CLEARED BY OIPE CSR			
2	01/05/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	12/20/2004	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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IDEA ADVOCATES LAW GROUP LLC
239 NW 13TH AVE., SUITE 310
PORTLAND, OR 97209

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NOV 09 2005

OFFICE OF PETITIONS

In re Application of	:	
Herbert J. Semler et al	:	
Application No. 11/017,455	:	DECISION ON PETITION
Filed: December 20, 2004	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 018-304-2	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 20, 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 Herbert J. Semler 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 3762 for action on the merits commensurate with this decision.

Denise Pothier
Petitions Examiner
Office of Petitions

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GREENBERG TRAURIG, LLP
ONE INTERNATIONAL PLACE, 20th FL
ATTN: PATENT ADMINISTRATOR
BOSTON, MA 02110

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JAN 0 9 2009

OFFICE OF PETITIONS

In re Patent No. 7,452,452	:	
Issue Date: November 18, 2008	:	
Application No. 11/017,480	:	ON PETITION
Filed: December 20, 2004	:	
Attorney Docket No. 94505-011903/US	:	

This is a decision on the Request for Certificate of Correction filed November 28, 2008, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to JoAnne Burke at (571) 272-4584. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

As authorized, the $100 fee for the Certificate of Correction will be charged to petitioner's deposit account.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

---

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

Atty. Docket No.: 094505-011903/US PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Ren et al.	Examiner:	Olsen, Kaj K.
Serial No.:	11/017,480		
Filed:	December 20, 2004		
Patent No.:	7,452,452	Group Art Unit:	1795
Issue Date:	November 18, 2008		
Titled:	Carbon Nanotube Nanoelectrode Arrays	Conf. No.:	1790

CERTIFICATE OF ELECTRONIC MAILING

I hereby certify that this correspondence, and any papers attached hereto, are being sent by way of the PTO Electronic Filing System to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 26, 2008.

Elizabeth C. Craig
Name of Person Mailing Paper

/Elizabeth C. Craig/
Signature of Person Mailing Paper

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

REQUEST FOR CERTIFICATE OF CORRECTION

Sir:

Applicants request issuance of a Certificate of Correction for U.S. Patent No. 7,452,452.

Applicants have identified that only The Trustees of Boston College is listed as the only Assignee in Section (73) on the front page of the patent. However, Battelle Memorial Institute should be listed as a second assignee in Section (73) Assignee. For your reference, enclosed are:

1. Certificate of Correction PTO Form 1050 showing the requested correction;
2. Copy of the Notice of Recordation of Assignment Document as recorded by the USPTO on June 13, 2005, at Reel/Frame 016681/0444, showing Battelle Memorial Institute as an Assignee; and
3. Copy of Assignment Document as filed with the USPTO on June 7, 2005.

01/09/2009 CKHLOK 00000004 502678 7452452
01 FC:1811 100.00 DA

Applicants believe that no fee is due with this filing; however, please charge any necessary fees required in connection with the paper transmitted herewith to Deposit Account No. 50-2678, Reference 094505-011903/US.

Please contact the undersigned Attorney of record with any questions.

Respectfully submitted,

Date: November 26, 2008

/David J. Dykeman/

Name: David J. Dykeman
Registration No.: 46,678
Customer No.: 35893
Greenberg Traurig
One International Place
Boston, MA 02110
Tel: 617-310-6009

2846/2095 DJD

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

OCTOBER 25, 2005

, PTAS

103020999A

PAULA CAMPBELL EVANS
PALMER & DODGE LLP
111 HUNTINGTON AVENUE
BOSTON, MA 02199

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES DIVISION, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 06/13/2005

REEL/FRAME: 016681/0444
NUMBER OF PAGES: 12

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
YANTASEE, WASSANA

DOC DATE: 05/02/2005

ASSIGNOR:
LIU, GUODONG

DOC DATE: 04/29/2005

ASSIGNOR:
LIN, YUEHE

DOC DATE: 04/29/2005

ASSIGNOR:
LU, FANG

DOC DATE: 05/13/2005

ASSIGNEE:
BATTELLE MEMORIAL INSTITUTE
RICHLAND, WASHINGTON 99352

SERIAL NUMBER: 11017480 FILING DATE: 12/20/2004
PATENT NUMBER: ISSUE DATE:
TITLE: CARBON NANOTUBE NANOELECTRODE ARRAYS

MARCUS KIRK, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

06-15-2005

FORM PTO-1595 RECC T U.S. Department of Commerce

6-13-05

103020999

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name and address of conveying party(ies):

Name: Wassana Yantasee

Street Address: 257 Saint Ct.

City: Richland

State: Washington ZIP: 99534

Additional name(s) of conveying party(ies) attached? ☒ Yes ☐ No

2. Name and address of receiving party(ies):

Name: Battelle Memorial Institute

Internal Address:

Internal Address:

Street Address:

City: Richland

State: Washington ZIP: 99352

Additional name(s) and address(es) attached? ☐ Yes ☒ No

3. Nature of Conveyance:

☒ Assignment ☐ Merger

☐ Security Agreement ☐ Change of Name

☐ Other

Execution Date: April 29, 2005; May 2, 2005; May 13, 2005

4. Application number(s) or registration numbers:

A. Patent Application No.(s) 11/017,480

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

OPR/FINANCE

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Paula Campbell Evans

Internal Address: Palmer & Dodge LLP

Street Address: 111 Huntington Avenue

City: Boston State: MA ZIP: 02199

6. Total number of application and patents involved: 1

7. Total fee (37 CFR 3.41)..... $ 40.00

☐ Enclosed

☒ Authorized to charge deficiencies to deposit account

8. Deposit account number: 16-0085 Ref. 2846/2095

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

40

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

David J. Dykeman — Name of Person Signing

Signature

June 7, 2005 — Date

Total number of pages comprising cover sheet attachment and document: 12

06/14/2005 DBYRNE 00000022 160085 11017480

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Mail documents to be recorded with required cover sheet information to:
Mail Stop Assignment and Recordation Services, Commissioner of Patents and Trademarks,
P.O. Box 1450, Alexandria, VA 22313-1450

Attorney Docket No.: 2846/2095
Serial No.: 11/017,480

RECORDATION FORM COVER SHEET
PATENTS ONLY

U.S. Department of Commerce

Name and address of additional conveying party(ies):

Name: Guodong Liu

Street Address: 1930 George Washington Way, Apt. 208

City: Richland

State: Washington ZIP: 99352

Name and address of additional conveying party(ies):

Name: Yuehe Lin

Street Address: 544 Fuller Street

City: Richland

State: Washington ZIP: 99352

Name and address of additional conveying party(ies):

Name: Fang Lu

Street Address: 990 Magnolia Ave, #8

City: Millbrae

State: California ZIP: 94030

FORM PTO-1595 COPY RECORDATION FORM COVER SHEET PATENTS ONLY

U.S. Department of Commerce

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name and address of conveying party(ies):

Name: Wassana Yantasee

Street Address: 257 Saint Ct.

City: Richland

State: Washington ZIP: 99534

Additional name(s) of conveying party(ies) attached? ☒ Yes ☐ No

2. Name and address of receiving party(ies):

Name: Battelle Memorial Institute

Internal Address:

Internal Address:

Street Address:

City: Richland

State: Washington ZIP: 99352

Additional name(s) and address(es) attached? ☐ Yes ☒ No

3. Nature of Conveyance:

☒ Assignment ☐ Merger

☐ Security Agreement ☐ Change of Name

☐ Other

Execution Date: April 29, 2005; May 2, 2005; May 13, 2005

4. Application number(s) or registration numbers:

A. Patent Application No.(s) 11/017,480

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Paula Campbell Evans

Internal Address: Palmer & Dodge LLP

Street Address: 111 Huntington Avenue

City: Boston State: MA ZIP: 02199

6. Total number of application and patents involved: 1

7. Total fee (37 CFR 3.41)..... $ 40.00

☐ Enclosed

☒ Authorized to charge deficiencies to deposit account

8. Deposit account number: 16-0085 Ref. 2846/2095

(Attach duplicate copy of this page if paying by deposit account)

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

David J. Dykeman
Name of Person Signing

Signature

June 7, 2005
Date

Total number of pages comprising cover sheet attachment and document: 12

Mail documents to be recorded with required cover sheet information to:
Mail Stop Assignment and Recordation Services, Commissioner of Patents and Trademarks,
P.O. Box 1450, Alexandria, VA 22313-1450

Attorney Docket No.: 2846/2095
Serial No.: 11/017,480

RECORDATION FORM COVER SHEET
PATENTS ONLY

U.S. Department of Commerce

Name and address of additional conveying party(ies):

Name: Guodong Liu

Street Address: 1930 George Washington Way, Apt. 208

City: Richland

State: Washington ZIP: 99352

Name and address of additional conveying party(ies):

Name: Yuehe Lin

Street Address: 544 Fuller Street

City: Richland

State: Washington ZIP: 99352

Name and address of additional conveying party(ies):

Name: Fang Lu

Street Address: 990 Magnolia Ave, #8

City: Millbrae

State: California ZIP: 94030

PATENT

File No. 2846/2095
(14380-E CIP)

ASSIGNMENT

Wassana Yantasee
Guodong Liu
Fang Lu
Yuehe Lin

to

Battelle Memorial Institute

WHEREAS we, Wassana Yantasee, of Richland, in the County of Benton, and State of Washington; Guodong Liu, of Richland, in the County of Benton, and State of Washington; Fang Lu, of Millbrae, State of California; and Yuehe Lin, of Richland, in the County of Benton, and State of Washington, have made certain inventions in CARBON NANOTUBE MICROELECTRODE ARRAYS, described and claimed in Application Serial Number 11/017,480, filed December 20, 2004; and

WHEREAS Battelle Memorial Institute, a corporation of Ohio, organized and existing under the laws of the State of Ohio, and having a place of business in the City of Richland, Washington, is desirous of acquiring an interest in the said invention and in any patent or patents to be obtained therefore;

NOW, THEREFORE, To All Whom It May Concern, be it known that, for and in consideration of the sum of One Dollar ($1.00) each, and other good and valuable considerations, the receipt of which is hereby acknowledged, we have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto the said Battelle Memorial Institute, the entire right,

unto the said Battelle Memorial Institute, the entire right, title, and interest in and to the invention shown, described, or claimed therein, and the full and exclusive right and title to the said application; and in and to any extensions, reissues, divisions, or renewals thereof; and we do hereby authorize and request the Commissioner of Patents or other proper Officer, to issue such Letters Patent, or any of them, to the said Battelle Memorial Institute, as the assignee of our entire right, title, and interest in and to the same for the sole use and benefit of the said Battelle Memorial Institute, and its successors or assigns.

And we further covenant and agree that we will, at the request and expense of the said Battelle Memorial Institute, execute such other and further assurances of title as may be necessary or proper to fully convey the interest herein sought to be conveyed; that we will, at the request and expense of the said Battelle Memorial Institute, execute such application papers as may be desired by the said Battelle Memorial Institute, for the filing of any division or renewal of the application herein conveyed, or for reissues or extensions, of any Letters Patent that may be granted upon said application, and will execute such Supplemental Oaths and Preliminary Statements, or other papers as desired by the said Battelle Memorial Institute.

And we further assign unto the said Battelle Memorial Institute, the whole right, title, and interest to the invention disclosed in the application throughout all countries foreign to the United States, and do hereby authorize the said Battelle Memorial Institute to apply for patents therefor in its own name in countries where such procedure is proper and to claim the

benefit of the International Convention and do agree to execute applications for the said invention in the several countries where it is necessary that the same be executed by the inventors, and to execute assignments of such applications and the patents to be obtained therefor to the said Battelle Memorial Institute, the assignee herein, as well as all other necessary papers.

- -

Executed at Richland, State of Washington, this 2 day of May, 2005.

Wassana Yantasee

STATE OF Washington)
) ss.
COUNTY OF Benton)

This 2 day of May, 2005, before me personally came the above-named Wassana Yantasee, who executed the foregoing instrument in my presence, and who acknowledged to me that he executed the same of his own free will for the purposes set forth therein.

[SEAL] REBECCA B. RUPP COMMISSION EXPIRES NOTARY PUBLIC FEBRUARY 10, 2006 STATE OF WASHINGTON

Rebecca B. Rupp
Notary Public for the State of Washington
My commission expires: 5/2/05

- -

Executed at Richland, State of Washington, this 29 day of April, 2005.

Guodong Liu

Guodong Liu

STATE OF Washington)
) ss.
COUNTY OF Benton)

This 29 day of April, 2005, before me personally came the above-named Guodong Liu, who executed the foregoing instrument in my presence, and who acknowledged to me that he executed the same of his own free will for the purposes set forth therein.

Rebecca B. Rupp

Notary Public for the State of Washington
My commission expires: 2/10/06

[SEAL]

REBECCA B. RUPP
COMMISSION EXPIRES
NOTARY
PUBLIC
FEBRUARY 10, 2006
STATE OF WASHINGTON

- -

Executed at Richland, State of Washington, this 29 day of April, 2005.

Yuehe Lin

Yuehe Lin

STATE OF Washington)
) ss.
COUNTY OF Benton)

This 29 day of April, 2005, before me personally came the above-named Yuehe Lin, who executed the foregoing instrument in my presence, and who acknowledged to me that he executed the same of his own free will for the purposes set forth therein.

[SEAL]

REBECCA B. RUPP
COMMISSION EXPIRES
NOTARY
PUBLIC
FEBRUARY 10, 2006
STATE OF WASHINGTON

Rebecca B. Rupp
Notary Public for the State of Washington
My commission expires: 2/10/2006

PATENT

File No. 2846/2095
(14380-E CIP)

ASSIGNMENT

Wassana Yantasee
Guodong Liu
Fang Lu
Yuehe Lin

to

Battelle Memorial Institute

WHEREAS we, Wassana Yantasee, of Richland, in the County of Benton, and State of Washington; Guodong Liu, of Richland, in the County of Benton, and State of Washington; Fang Lu, of Millbrae, in the County of San Mateo, and State of California; and Yuehe Lin, of Richland, in the County of Benton, and State of Washington, have made certain inventions in CARBON NANOTUBE MICROELECTRODE ARRAYS, described and claimed in Application Serial Number 11/017,480, filed December 20, 2004; and

WHEREAS Battelle Memorial Institute, a corporation of Ohio, organized and existing under the laws of the State of Ohio, and having a place of business in the City of Richland, Washington, is desirous of acquiring an interest in the said invention and in any patent or patents to be obtained therefore;

NOW, THEREFORE, To All Whom It May Concern, be it known that, for and in consideration of the sum of One Dollar ($1.00) each, and other good and valuable considerations, the receipt of which is hereby acknowledged, we have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto the said Battelle Memorial Institute, the entire right, title, and interest in and to the invention shown, described, or claimed therein, and the full and exclusive right and title to the said application; and in and to any extensions, reissues, divisions, or renewals thereof; and

we do hereby authorize and request the Commissioner of Patents or other proper Officer, to issue such Letters Patent, or any of them, to the said Battelle Memorial Institute, as the assignee of our entire right, title, and interest in and to the same for the sole use and benefit of the said Battelle Memorial Institute, and its successors or assigns.

And we further covenant and agree that we will, at the request and expense of the said Battelle Memorial Institute, execute such other and further assurances of title as may be necessary or proper to fully convey the interest herein sought to be conveyed; that we will, at the request and expense of the said Battelle Memorial Institute, execute such application papers as may be desired by the said Battelle Memorial Institute, for the filing of any division or renewal of the application herein conveyed, or for reissues or extensions, of any Letters Patent that may be granted upon said application, and will execute such Supplemental Oaths and Preliminary Statements, or other papers as desired by the said Battelle Memorial Institute.

And we further assign unto the said Battelle Memorial Institute, the whole right, title, and interest to the invention disclosed in the application throughout all countries foreign to the United States, and do hereby authorize the said Battelle Memorial Institute to apply for patents therefor in its own name in countries where such procedure is proper and to claim the benefit of the International Convention and do agree to execute applications for the said invention in the several countries where it is necessary that the same be executed by the inventors, and to execute assignments of such applications and the patents to be obtained therefor to the said Battelle Memorial Institute, the assignee herein, as well as all other necessary papers.

Executed at _____, State of _____, this ____ day of _____, 2005.

_____
Wassana Yantasee

Executed at Xiamen, State of Fujian, this 13 day of May, 2005.

Fang Lu

STATE OF _____)
) ss.
COUNTY OF _____)

This 13 day of May, 2005, before me personally came the above-named Fang Lu, who executed the foregoing instrument in my presence, and who acknowledged to me that he executed the same of his own free will for the purposes set forth therein.

_____
Notary Public for the State of _____
My commission expires: _____

[SEAL]

证 明 书

（2005）厦海证字第28号

兹证明LU FANG（男，一九五七年五月二十四日出生）于二〇〇五年五月十三日来到我处，在我的面前，在前面的《ASSIGNMENT》上签名。

中华人民共和国福建省厦门市海沧区公证处

公证员：

二〇〇五年五月十三日

XⅡ15616413

CERTIFICATE

(Translation)

(2005)X.H. NOTARIZATION NO.28

This is to certify that LU FANG（ male, born on May 24, 1957) came to my office on May 13, 2005 and signed his name in my presence, on 《ASSIGNMENT》 attached hereto.

Notary: Huang Danyang
The Office of Notaries,
Haicang Xiamen Fujian P.R.C.
May13, 2005.

XⅡ 15616414

PTO/SB/44 (09-07)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,452,452

APPLICATION NO.: 11/017,480

ISSUE DATE : November 18, 2008

INVENTOR(S) : Zhifeng Ren; Yuehe Lin; Wassana Yantasee; Guodong Liu; Fang Lu; Yi Tu

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

On the First Page, column 1, in Section (73), please add the following Assignee after The Trustees of Boston College, Chestnut Hill, MA (US):

-- Battelle Memorial Institute, Richland, WA (US) --

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

Greenberg Traurig, LLP
One International Place
Boston, MA 02110

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.

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 6896558 Total Records Found: 2

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
11/28/2008	00000008	2	1559	$490.00	11/25/2008	DA 040750
11/24/2008	00012962	2	2551	$490.00	11/24/2008	DA 040750

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Commissioner for Patents
United States Patent and Trademark Office
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ROSSI, KIMMS & MCDOWELL LLP.
20609 GORDON PARK SQUARE, SUITE 150
ASHBURN, VA 20147

MAILED

FEB 12 2009

OFFICE OF PETITIONS

In re Application of	:	
Tsutomu Yanase, et al.	:	
Application No.: 11/017,496	:	ON PETITION
Filed: December 20, 2004	:	
Attorney Docket No.: YAMA:078	:	

This is a decision on the petition, filed February 11, 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 January 29, 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]

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

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new 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.*

The application is being referred to Technology Center AU 2837 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: MARC A. ROSSI
ROSSI, KIMMS & MCDOWELL LLP
P.O. BOX 826
ASHBURN, VA 20146-0826

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

SCHERING-PLOUGH CORPORATION
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH, NJ 07033-0530

In re Application of Taveras et al. :
Application No. 11/017,505 : Decision on Petition
Filing Date: December 20, 2004 :
Attorney Docket No. OC06142US01 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 18, 2009, 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 12, 2009, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on September 15, 2009.[1] A Notice of Abandonment was mailed on September 30, 2009.

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 issue fee and publication fee. Petitioner has submitted the required petition fee of $1,620. Petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

[1] September 12, 2009, was a Saturday and September 13, 2009, was a Sunday. Therefore, a timely reply could have been filed as late as September 14, 2009.

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 will take any further necessary steps to prepare the application for issuance 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

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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SABIC INNOVATIVE PLASTICS – IP LEGAL
ONE PLASTICS AVENUE
PITTSFIELD, MA 01201-3697

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OCT 12 2007

OFFICE OF PETITIONS

In re Application of :
Vishvajit Chandrakant Juikar et al :
Application No. 11/017,555 :
Filed: December 20, 2004 :
Attorney Docket No. 136963-1 (RD32033) :

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-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 6, 2006, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 7, 2007.

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

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

This matter is being referred to Technology Center AU 1796 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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SABIC Innovative Plastics - IP Legal
ONE PLASTICS AVENUE
PITTSFIELD MA 01201-3697

In re Application of	:	
Vishvajit C. JUIKAR et al.	:	
Application No. 11/017,555	:	DECISION ON PETITION
Filed: December 20, 2004	:	
Attorney Docket No. **136963-1 (RD32033)**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 19, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed January 02, 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 03, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810.00, and the submission required by 37 CFR 1.114; (2) the petition fee of $1,540.00; and (3) a proper statement of unintentional delay. Accordingly, the reply to the final Office action of January 02, 2008 is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,050.00 extension of time fee submitted with the petition on September 19, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231. This application is being referred to Technology Center AU 1796 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.

Michelle R. Eason
Paralegal Specialist
Office of Petition

CC: **LEAH M. REIMER**
CANTOR COLBURN, LLP
20 CHURCH STREET
22ND FLOOR
HARTFORD, CT 06103

UNITED STATES PATENT AND TRADEMARK OFFICE

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Bausch & Lomb Incorporated
One Bausch & Lomb Place
Rochester, NY 14604-2701

COPY MAILED

JUN 0 7 2007

OFFICE OF PETITIONS

In re Application of Perkins :
Application No. 11/017,581 : Decision on Petition
Filing Date: December 20, 2004 :
Attorney Docket No. P03568 :

This is a decision on the petition filed December 21, 2006, under 37 CFR 1.137(b) to revive the above-identified application. The petition will also be treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

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

The petition under 37 CFR 1.137(b) is **dismissed as moot**.

MPEP 711.03(c)(I) states,

> Where an applicant contends that the application is not in fact abandoned[,] ... a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee. Where there is no dispute as to whether an application is abandoned[,] ... a petition under 37 CFR 1.137 (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Petitioner contends a reply was timely filed and the application is not abandoned. Therefore, the petition will be treated initially as a petition under 37 CFR 1.181.

This application was held abandoned for failure to timely respond to the Office action of May 19, 2006, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before Monday, August 21, 2006.

Petitioner states that a timely reply was timely facsimile transmitted on August 17, 2006. Petitioner has submitted a copy of the previously transmitted correspondence, which bears a certificate of transmission dated August 17, 2006, which is on or before the due date of August 21, 2006. Petitioner has also supplied a copy of an "Auto-Reply Facsimile Transmission" from the PTO verifying the receipt of a transmittal sheet and two other pages on August 17, 2006.

One may prove the timely filing of papers by providing a showing in compliance with 37 CFR 1.8(b). 37 CFR 1.8(b) states,

> 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 May 19, 2006, 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 transmitted on August 17, 2006.

Since the petition has been granted under 37 CFR 1.181, petitioner's request to have the petition considered under 37 CFR 1.137(b) is dismissed as moot. No petition fee is required for a petition to withdraw holding of abandonment under 37 CFR 1.181. Therefore, the petition fee of $1500 has been credited to petitioner's deposit account.

This application is being referred to Technology Center AU 3763 for appropriate action in the normal course of business on the reply received with petition.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

Mail Date: 04/21/2010

Applicant	: Stuart K. Drost	: DECISION ON REQUEST FOR
Patent Number	: 7578468	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/017,602	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **8** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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DARBY & DARBY P.C.
P.O. BOX 770
CHURCH STREET STATION
NEW YORK NY 10008-0770

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MAR 26 2008

In re Application of	:	
Frank Holtmann et al.	:	
Application No. 11/017,617	:	ON PETITION
Filed: December 20, 2004	:	
Attorney Docket No. 20794/0205580-US0	:	

This is a decision on the petition, filed February 20, 2008 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

An non-Final Office Action was mailed October 21, 2005. A response in the form of an amendment was filed September 18, 2006, outside the maximum period obtainable with an extension of time. Thus, the application became. Accordingly, a Notice of Abandonment was mailed September 21, 2007.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by:

(1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof;

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

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

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

This matter is being referred to Technology Center 3742 for processing of the amendment filed September 18, 2006 and resubmitted with the instant petition.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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QUINE INTELLECTUAL PROPERTY
LAW GROUP, P.C.
PO BOX 458
ALAMEDA, CA 94501

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MAR 1 9 2008

OFFICE OF PETITIONS

In re Application of	:	
Daniel PINKEL, et al	:	
Application No. 11/017,625	:	DECISION ON PETITION
Filed: December 15, 2004	:	TO WITHDRAW
Attorney Docket No. UCOTP05C1X1/2001-415-3	:	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 4, 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 Jonathan Alan Quine on behalf of all the attorney/agents of record associated with Customer No. 22798.

All attorneys/agents of record associated with Customer No. 22798 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 address below until otherwise properly notified by the applicant.

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

There is an outstanding Office action mailed March 17, 2008 that requires a reply by the applicant.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: BEYER WEAVER LLP
500 12TH STREET, SUITE 200
OAKLAND, CA 94607

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/017,625	12/15/2004	Daniel Pinkel	UCOTP053C1X1/2001-415-3

CONFIRMATION NO. 4715

POWER OF ATTORNEY NOTICE

22434
BEYER WEAVER LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

OC000000028937286

Date Mailed: 03/19/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/04/2007.

- 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.

/dcgoodwyn/

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

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OFFICE OF PETITIONS

SCHWEGMAN LUNDBERG & WOESSNER PA
PO BOX 2938
MINNEAPOLIS MN 55402

In re Application of	:	
Ross, et al.	:	
Application No. 11/017,627	:	ON PETITION
Filed: December 20, 2004	:	
Attorney Docket No. 279.759US1	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed August 13, 2009

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". 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 reply to the non-final Office action mailed December 2, 2008. This Office action set an extendable period for reply of three months. No reply having been received, the application became abandoned on March 3, 2009. The Office mailed a Notice of Abandonment on June 18, 2009.

To establish non-receipt of an Office action, a petitioner:

> 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.[1]

In addition, the Manual of Patent Examining Procedure § 711.03(c) also states:

> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has not submitted a copy of a master docket record showing all his replies docketed for a due date of March 2, 2009, nor has petitioner stated that such a record does not exist. Rather, petitioner has only submitted a copy of an incoming mail log. If no master docket report exists, petitioner should so state on renewed petition.

While the showing of record is not presently sufficient to withdraw the holding of abandonment, 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

---

[1] MPEP 711.03(c).

unintentional.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

SCHWEGMAN LUNDBERG & WOESSNER PA
PO BOX 2938
MINNEAPOLIS MN 55402

In re Application of	:	
Ross, et al.	:	
Application No. 11/017,627	:	ON PETITION
Filed: December 20, 2004	:	
Attorney Docket No. 279.759US1	:	

This is a decision on the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181, filed November 30, 2009.

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

The above-identified application became abandoned for failure to timely reply to the non-final Office action mailed December 2, 2008. This Office action set an extendable period for reply of three months. No reply having been received, the application became abandoned on March 3, 2009. The Office mailed a Notice of Abandonment on June 18, 2009. Applicants filed a petition to withdraw the holding of abandonment under 37 CFR 1.181 on August 13, 2009. However, the petition was dismissed in a decision mailed on September 29, 2009. The petition was dismissed because applicants did not include a copy of their master docket report, showing all of their responses due on March 2, 2009.

With the instant renewed petition, petitioner has submitted a copy of a master docket report, showing all of the replies docketed for a due date of March 2, 2009. An entry for the instant application does not appear, supporting the conclusion that the March 2, 2009 Office action was not received.

The application is being forwarded to Group Art Unit 3766 for consideration of the Amendment filed August 13, 2009.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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

Mail Date: 04/20/2010

Applicant	: Tae-Wook Kang	: DECISION ON REQUEST FOR
Patent Number	: 7573070	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/017,648	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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OFFICE OF PETITIONS

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

In re Application of

NOLAN, Thomas Patrick et al.
Application No. 11/017,657
Filed: December 22, 2004
Attorney Docket No. **146712010100**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 30, 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 Peter J. Davis on behalf of all attorneys of record who are associated.
All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **THOMAS P. NOLAN**
279 E. WARREN AVE.
FREMONT, CA 94539

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

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8500 LEESBURG PIKE
SUITE 7500
VIENNA, VA 22182

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MAR 05 2009

OFFICE OF PETITIONS

In re Application of :
Jin-Wook Seo et al :
Application No. 11/017,667 : ON PETITION
Filed: December 22, 2004 :
Attorney Docket No. 61610492US

This is a decision on the petition, filed March 3, 2009 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 September 25, 2008 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2822 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

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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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VIENNA, VA 22182

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OFFICE OF PETITIONS

In re Application of	:	
Byoung-Keon Park et al	:	
Application No. 11/017,673	:	DECISION GRANTING PETITION
Filed: December 22, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 61610495US	:	

This is a decision on the petition, filed February 8, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 18, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2826 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\Feb10\017673.wpd

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

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SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3213

Mail Date: 04/23/2010

Applicant	: Sae Moon Jo	: DECISION ON REQUEST FOR
Patent Number	: RE41124	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/017,698	: OF WYETH
Filed	: 12/22/2004	:
		:

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

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

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

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

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

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

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

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

or

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

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/017,731	12/22/2004	Hidetoshi Kami	263500US2 CONT	3910

22850 7590 07/07/2006

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

EXAMINER
RODEE, CHRISTOPHER D

ART UNIT	PAPER NUMBER
1756	

DATE MAILED: 07/07/2006

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

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

11/017,731

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.

EXAMINER

ART UNIT	PAPER

20060629

DATE MAILED:

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

Commissioner for Patents

The information disclosure statement (IDS) submitted on 31 January 2006 was filed after the mailing date of the Notice of Allowance on 9 December 2005. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher RoDee whose telephone number is 571-272-1388. The examiner can normally be reached on most weekdays from 6:00 to 4:30.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

cdr
29 June 2006

CHRISTOPHER RODEE
PRIMARY EXAMINER

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

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In re Application of	:	
WAGNER, Thomas et al.	:	
Application No. 11/017,733	:	DECISION ON PETITION
Filed: December 22, 2004	:	TO WITHDRAW
Attorney Docket No. **035879-0194**	:	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 04, 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 Kristel Schorr on behalf of all attorneys of record who are associated with customer No. 22428. 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 June 17, 2008 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: **THOMAS E. WAGNER**
104 GOLDEN WINGS WAY
GREER, SOUTH CAROLINA 29650

cc: **MR. DAVID CLOUGH**
HOWREY LLP
321 NORTH CLARK ST.
SUITE 3400
CHICAGO, IL 60610

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BRUCE H. TROXELL
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH VA 22041

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JAN 22 2007

OFFICE OF PETITIONS

In re Application of
Wang
Application No. 11/017,781
Filed: December 22, 2004
Attorney Docket Number: BHT-3127-94

Title of Invention: Multiple Pieces Dual Type BNC Connector with All Metal Shell

ON PETITION

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

This application became abandoned for failure to timely submit the issue and publication fees , as required by the Notice of Allowance and Fee (s) Due which was mailed April 7, 2006. The Notice of Allowance and Fee (s) Due set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on July 8, 2006. A Notice of Abandonment was mailed on August 17, 2006.

The requirements for a grantable petition under 37 CFR 1.137(b) have been met. This petition is hereby **Granted**.

This application is being forwarded to the Office of Patent Publication for processing into a patent.

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BRUCE H. TROXELL
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH VA 22041

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JAN 3 1 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Chen et al :
Application No.11/017,782 :
Filed: December 22, 2004 :
Attorney Docket Number: BHT-3127-93 :
Title of Invention: Coaxial Connector with All Metal Shell :

This is a decision on the petition filed October 4, 2006, under 37 CFR 1.137(b) to revive the above-identified application.

This application became abandoned for failure to timely submit the issue and publication fees, as required by the Notice of Allowance and Fee (s) Due which was mailed April 7 , 2006. The Notice of Allowance and Fee (s) Due set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on July 8, 2006. A Notice of Abandonment was mailed on August 15, 2006.

The requirements for a grantable petition under 37 CFR 1.137(b) have been met. This petition is hereby **Granted**.

This application is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries 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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ANTONY C. EDWARDS
P.O. BOX 26020
WESTBANK, CANADA V4T 2-G3

COPY MAILED

JUN 2 2 2009

OFFICE OF PETITIONS

In re Application of :
Diego Luis Felipe Bernardo Castanon :
SEOANE : ON PETITION
Application No. 11/017,856 :
Filed: December 22, 2004 :
Attorney Docket No. 332603.00004

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 16, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 17, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 12/453,102.

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

in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

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

Thurman Page
Petitions Examiner
Office of Petitions

cc: ANTONY C. EDWARDS
UNIT 206 – 3500 CARRINGTON ROAD
WESTBANK, BC V4T 3C1
CANADA

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/017,856	12/22/2004	Diego Luis Felipe Bernardo Castanon Seoane	332603.00004

CONFIRMATION NO. 2126

POA ACCEPTANCE LETTER

OC000000036416361

10361
Antony C. Edwards
P.O. Box 26020
Westbank, BC V4T 2G3
CANADA

Date Mailed: 06/11/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/29/2009.

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.

/dcgoodwyn/

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

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 11017856 Total Records Found: 6

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
04/30/2009	00000015	1	2453	$810.00	04/29/2009	CC
01/06/2005	00000090	1	8021	$40.00	12/22/2004	DA 501710
12/27/2004	00000085	1	2202	$200.00	12/22/2004	DA 501710
12/27/2004	00000083	1	2111	$250.00	12/22/2004	DA 501710
12/27/2004	00000082	1	2011	$150.00	12/22/2004	DA 501710
12/27/2004	00000084	1	2311	$100.00	12/22/2004	DA 501710

Continuity/Reexam Information for 11/017856

Parent Data

11017856, filed 12/22/2004 ,now abandoned is a continuation in part of 10949249, filed 09/27/2004 ,now abandoned

Child Data

12453102, filed on 04/29/2009 is a continuation of 11017856 , filed on 12/22/2004 ,now abandoned

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

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PCT / / Search **or PG PUBS #** Search

Attorney Docket # Search

Bar Code # Search

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PTO/SB/64 (03-09)
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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional) ACE-40268

First named inventor: Diego Luis Felipe Bernardo Castanon Seoane

Application No.: 11/017,856 Art Unit: 3744

Filed: December 22, 2004 Examiner: Emily Iris Nalven

Title: System and Method for Extracting Potable Water from Atmosphere

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

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

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

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

1. Petition fee
☑ Small entity-fee $ 810.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

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

2. Reply and/or fee
A. The reply and/or fee to the above-noted Office action in the form of a continuing application (identify type of reply):

☐ has been filed previously on _____.
☑ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.
☐ has been paid previously on _____.
☐ is enclosed herewith.

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

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

04/30/2009 MAHMED1 00000013 11017856
01 FC:2453 810.00 OP

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.

3. Terminal disclaimer with disclaimer fee

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

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

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

WARNING:

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

Signature	April 29, 2009 Date
ANTONY C. EDWARDS Typed or printed name	40,288 Registration Number, if applicable
Unit 206 - 3500 Carrington Road Address	250-707-5250 Telephone Number
Westbank, BC V4T 3C1 Canada Address	

Enclosures:
- ☑ Fee Payment
- ☑ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

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

I hereby certify that this correspondence is being:

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

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

Date	Signature
	Typed or printed name of person signing certificate

OIPE IAP81 APR 2 9 2009 PATENT & TRADEMARK OFFICE

Print Form

PTO/SB/81 (11-08)
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POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	11/017,856
Filing Date	December 22, 2004
First Named Inventor	Diego Luis Felipe Bernardo Castanon Seoane
Title	System and Method for Extracting Potable Water from Atmosphere
Art Unit	3744
Examiner Name	Emily Iris Nalven
Attorney Docket Number	ACE-40268

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith: 010361

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

Practitioner(s) Name	Registration Number

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

☐ Firm or Individual Name					
Address					
City		State		Zip	
Country					
Telephone		Email			

I am the:

☒ Applicant/Inventor.

OR

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on _____.

SIGNATURE of Applicant or Assignee of Record

Signature	Diego Castanon	Date	April 28, 2009
Name		Telephone	
Title and Company	Diego Luis Felipe Bernardo Castanon Seoane		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. 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 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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

Mail Date: 04/20/2010

Applicant	: Yoshihiro Takao	: DECISION ON REQUEST FOR
Patent Number	: 7592241	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/017,859	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **433** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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JJGJr: 07-06

Paper No: __

HAMILTON, BROOK,
SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

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JUL 10 2006
OFFICE OF PETITIONS

In re Application of	:	
Cummins, et al.	:	
Application No. 11/017,894	:	DECISION
Filed: 21 December, 2004	:	
Attorney Docket No.: 3941.1001-004	:	

This is a decision on the petition, filed 14 November, 2005, to revive the instant nonprovisional application under the provisions of 37 C.F.R. §1.137(f).

NOTES:

It appears that, since the filing of the instant petition, Petitioner has not inquired as to the Status of the instant matter–Petitioner is reminded that the filing of such inquiries at a minimum of three- (3-) month intervals may provide a showing of diligence should the extended delay be questioned (for example, as required under 37 C.F.R. §1.181).

Monitoring of the status of applications on Private PAIR can inform one's management of application responses and provide an indication when mailings of Office actions should be expected.

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in

a foreign country or otherwise requiring publication on 30 December, 2004.[1] Moreover, Petitioner submitted the instant petition (with recision request) 14 November, 2005, upon learning of the error.

Thus, Petitioner alleges unintentional failure to notify the U.S. Patent and Trademark Office of this filing of the subject application in a foreign country within 45 days of that filing.

In view of the above, this application became abandoned pursuant to 35 U.S.C. §122(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 in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 C.F.R. §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 C.F.R. §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 C.F.R. §1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. §122(b)(2)(B)(iii) and 37 C.F.R. §1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. §122(b)(2)(B)(I) has been rescinded. A Notice Regarding Rescission of Nonpublication Request, which sets forth the projected publication date of ***12 October, 2006***, accompanies this decision.

This application is being released to Technology Center 1600 for further processing in due course.

---

[1] This information was confirmed in a telephone call with Petitioner on 3 July, 2006.

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

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

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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OFFICE OF PETITIONS

In re Application of	:	
Koichiro TANAKA, et al.	:	
Application No. 11/017,900	:	DECISION GRANTING PETITION
Filed: December 22, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **0756-7463**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 5, 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 December 24, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2812 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the 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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ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

Mail Date: 05/17/2010

Applicant	: Chung-Lung Pai	: DECISION ON REQUEST FOR
Patent Number	: 7619394	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/017,906	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **272** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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BERESKIN AND PARR
LLP/S.E.N.C.R.L., S.R.L.
40 KING STREET WEST
BOX 401
TORONTO ON M5H 3Y2
CA CANADA

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OFFICE OF PETITIONS

In re Application of	:	
Singh, et al.	:	
Application No. 11/017,931	:	DECISION
Filed/Deposited: 22 December, 2004	:	
Attorney Docket No. 12471-19	:	

This is a decision on the petition filed on 2 November, 2009, 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 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 Notice of Non-Compliant Amendment mailed on 30 January, 2009 (misstated in Notice of Abandonment as 29 January, 2009), with reply due absent extension of time on or before 2 March, 2009.

The application went abandoned by operation of law after midnight 2 March, 2009.

The Office mailed the Notice of Abandonment on 5 October, 2009.

On 2 November, 2009, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181, it appears that Petitioner sought to comply with the requirements set forth in the guidance in the Commentary at MPEP §711.03(c)(I) requiring, *inter alia*, statements by persons with first-hand knowledge, date-stamped receipt card submitted in evidence. *It does not appear that Petitioner included a copy of the reply averred previously to have been submitted.* The Office record now evidences the submission of a reply in the form of a "Draft Amendment" on 26 February, 2009.

Petitioner's burden is to make a showing pursuant to 37 C.F.R. §1.181 (with narrative and documentary support) consistent with the guidance in the Commentary at MPEP 711.03(c)(I), which provides in pertinent part:

***

> 37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.
>
> Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.
>
> Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).
>
> 37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied

> by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512. [1]
>
> ***

In these matters, Petitioners 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.

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation– since all owe to the Office the continuing duty to disclose.[2]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

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

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

---

[1] *See*: MPEP §711.03(c) (I)(B).

[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).

> and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[3]

Allegations as to the Request to
Withdraw the Holding of Abandonment

The courts have determined the construct for properly supporting a petition seeking withdrawal of a holding of abandonment.[4] (See, also, the commentary at MPEP §711.03(c)(I)(A) and (B).)

And the regulation requires that relief be sought within two (2) months of the act complained of.

Petitioner appears to have made an appropriate showing consistent with the requirements set forth in the guidance of the Commentary at MPEP §711.03(c)(I)(B) as to timely filing.

CONCLUSION

Petitioner appears to have satisfied the burdens herein, and the petition as considered pursuant to 37 C.F.R. §1.181 is **granted** and the 5 October, 2009, Notice of Abandonment is **vacated**.

The instant application is released to the Technology Center/AU 2451 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.

---

[3] 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).

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[5]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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

§1.2 Business to be transacted in writing.

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

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

JAMES C. WRAY
1493 CHAIN BRIDGE ROAD
SUITE 300
MCLEAN VA 22101

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SEP 2 9 2005

OFFICE OF PETITIONS

In re Application of	:	
Chapman et al.	:	
Application No. 11/017,932	:	ON PETITION
Filed: December 22, 2004	:	
Attorney Docket No. ATKINSON	:	

This is a decision on the petition under 37 C.F.R. § 1.182, filed April 6, 2005, which is being treated as a petition under 37 CFR 1.181 to accept the Declaration naming a third inventor as having been received as of the date of filing of this application on December 22, 2004.

The petition is **GRANTED.**

Petitioner asserts that the supplemental third sheet of the Declaration was detached at the Patent and Trademark Office before the application reached the Applications Branch, which led to the third inventor, Anthony Hardie-Bick, not being included on the Filing Receipt mailed February 11, 2005. To support this assertion, petitioner has submitted a copy of the return postcard, which acknowledges receipt by the U.S. Patent and Trademark Office (USTPO) on December 22, 2004 of a "Declaration (3 pp)."

In view of the evidence submitted, it is concluded that the supplemental sheet was timely received in the USPTO but was apparently lost after receipt thereof. Accordingly, the $400 petition fee is unnecessary and will be credited to petitioner's credit card.

This matter is being referred to Technology Center 2600 for examination in due course.

Telephone inquiries regarding this decision should be directed to Paralegal Liana Chase at (571) 272-3282.

Frances Hicks
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

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P.O. Box 1450
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FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED

MAY 17 2010

OFFICE OF PETITIONS

In re Patent No. 7,521,247	:
De Haan	:
Issue Date: April 21, 2009	: ON PETITIONS UNDER 37 CFR
Application No. 11/017,945	: 1.183 AND ON REQUEST FOR
Filed: December 22, 2004	: RECONSIDERATION OF
Attorney Dkt. No. 05552.1458	: PATENT TERM ADJUSTMENT
Title: CARTRIDGE FOR MONITORING	:
THE FUNCTION OF A DEVICE FOR	:
TESTING BLOOD PLATELET	:
FUNCTION, METHOD FOR FUNCTION	:
MONITORING, AND USE OF A TEST	:
FLUID	:

This is a decision on the 1) Petition under 37 C.F.R. 1.183, requesting that the Office suspend the rules and consider on the merits a Request for Reconsideration of Patent Term Adjustment under 37 C.F.R. 1.705(d) filed more than two months from the date the above-referenced patent issued; and on the 2) Request for Determination of Patent Term Adjustment - Post Grant, both filed on November 4, 2009.

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

The request for reconsideration of patent term adjustment under 37 CFR 1.705(d) is **dismissed as untimely filed**.

Any request for reconsideration, to the decision on application for patent term adjustment under 37 CFR 1.705(d), must be filed within two months of the mailing date of this decision. Extensions of time under 37 CFR 1.136 are not permitted. See § 1.181(f).

On April 21, 2009, the above-identified application matured into U.S. Patent No. 7,521,247, with a revised patent term adjustment

of 849 days. No request for reconsideration of the patent term adjustment indicated in the patent was filed within two months of the date the patent issued. Patentee now petitions under 37 C.F.R. § 1.183 to (i) suspend or waive the requirement of 37 C.F.R. § 1.705(d) that a Request for Reconsideration of Patent Term Adjustment be filed within two months of the date the patent issued; and (ii) consider the enclosed Request for Reconsideration of Patent Term Adjustment.

ON PETITION UNDER 37 CFR 1.183
TO WAIVE THE TWO-MONTH REQUIREMENT OF 37 CFR 1.705(d)

The above-referenced patent issued on April 21, 2009. A request for reconsideration of the patent term adjustment indicated in the patent was not filed until November 4, 2009. Petitioner requests that the Office suspend the rules and consider on the merits the Request for Reconsideration of Patent Term Adjustment under 37 C.F.R. 1.705(d) even though it was untimely filed more than two months from the date the patent issued.

35 U.S.C. 154, requires the Office to provide the applicant one opportunity to request reconsideration of any patent term adjustment determination made by the Director, authorizes the Director to establish the procedures for requesting such reconsideration. Those procedures include pursuant to 37 CFR 1.705(d) setting a two-month period for filing a request for reconsideration of the revised patent term adjustment indicated in the patent.

In view thereof, the petition under 37 CFR 1.183 for waiver of the two-month requirement of 37 CFR 1.705(d) is **dismissed**.

Accordingly, consideration now turns to the Request for Reconsideration of Patent Term Adjustment under 37 CFR 1.705(d).

ON REQUEST FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(d)

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT," filed November 4, 2009. Therein, patentee requests correction of the patent term adjustment (PTA) indicated in the patent to one thousand one hundred fifty-four (1,154) days.

The instant request for reconsideration was filed more than six months after the issuance of the patent on April 21, 2009.

Since the request was not filed within two months of the issue date of the patent, the request is properly **dismissed as untimely filed**.

Receipt of the fees required for the petition under 37 CFR 1.183 and the application for patent term adjustment is acknowledged.

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 Christian D'Avignon-Aubut appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts.

Telephone inquiries specific to this matter should be directed to Charlema Grant, Petitions Attorney, at (571) 272-3215.

Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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Patent No. : 7,316,319 B2
Ser. No. : 11/017,955
Inventor(s) : West
Issued : Jan. 8, 2008
Title : LIFT VAN SYSTEM
Docket No. : NORA-0003

Re: Request for Certificate of Correction

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

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

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

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

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

By fax: (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.

Ennis Young
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) **756-1542** or (703) 756-1814

UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 19 2005

KRAMER LEVIN NAFTALIS & FRANKEL LLP
INTELLECTUAL PROPERTY DEPARTMENT
1177 AVENUE OF THE AMERICAS
NEW YORK NY 10036

In re Application of	:	
Jeffrey Grayzel et al	:	
Serial No.: 11/018,006	:	DECISION ON PETITION
Filed: December 21, 2004	:	
For: Stiffened Balloon Catheter for Dilatation:		
And Stenting	:	

This is in response to applicants' petition filed December 21, 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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INTEL CORPORATION
c/o INTELLEVATE, LLC
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MINNEAPOLIS MN 55402

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MAY 21 2008

OFFICE OF PETITIONS

In re Application of	:	
Tschanz et al.	:	
Application Number: 11/018011	:	ON PETITION
Filing Date: 12/20/2004	:	
Attorney Docket Number:	:	
42P21043	:	

This is a decision on the petition under 37 CFR 1.137(b)[1] filed on April 11, 2008.

The petition is **granted**.

This application became abandoned on September 16, 2006, for failure to timely submit a reply to the non-final Office action mailed on June 15, 2006, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on January 19, 2007.

Receipt of the amendment, submitted with the present petition, is acknowledged.

---

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

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

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

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

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

Receipt of the change of correspondence address signed by petitioner's registered patent practitioner Erik R. Nordstrom is also acknowledged. All correspondence will be mailed to the new address of record.

The application is being referred to Technology Center Art Unit 2819 for further processing.

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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TROXELL LAW OFFICE PLLC
5205 LEESBURG PIKE, SUITE 1404
FALLS CHURCH VA 22041

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OFFICE OF PETITIONS

In re Application of :
Chang-Tzu Chen :
Application No. 11/018,035 : ON PETITION
Filed: December 20, 2004 :
Attorney Docket No. 453-027 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 29, 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 July 12, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A two (2) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on December 13, 2007. A Notice of abandonment was mailed February 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 a Request for Continued Examination (RCE) and fee of $405.00, and the submission required by 37 CFR 1.114; (2) the petition fee of $770.00; and (3) a proper statement of unintentional delay.

In the Power of Attorney communication, submitted concurrently with the instant petition on May 29, 2008, the inventor has signed where the "Assignee of Record" name should have been printed. However, the Office will construe that signature as the required signature of the inventor. Petitioner must notify the Office if this is **not** a correct reading of the information appearing in the Revocation of Power of Attorney and Appointment of a New Attorney. Accordingly, the power of attorney file May29, 2008, has been accepted.

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

This application is being referred to Technology Center AU 3767 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

OIPE IAP97
MAY 29 2008
PATENT & TRADEMARK OFFICE

PTO/SB/64 (01-08)
Approval for use through 04/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

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

Docket Number: 3092-818

First named inventor: Chang-Tzu CHEN

Application No: 11/018,035 Group Art Unit: 3767

Filed: December 20, 2004 Examiner: D.K. Hall

Title: SYRINGE PROTECTIVE STRUCTURE

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

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) Statement that the entire delay was unintentional.

1. Petition fee

☒ **Small entity-fee $770 (37 CFR 1.17(m). Applicant claims small entity status. See 37 CFR 1.27.**
☐ Other than small entity-fee $_____ (37 CFR 1.17(m)

2. Reply and/or fee

A. The reply and/or fee to the above-noted Notice of Allowance in the form of a Request for Continued Examination (identify type of reply):
☐ has been filed previously on _____
☒ **is enclosed herewith.**

B. The issue fee and publication fee (if applicable) of $_____
☐ has been paid previously on_____
☐ is enclosed herewith.

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

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

05/30/2008 SZEWDIE1 00000019 11018035

01 FC:2453 770.00 OP

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

3. Terminal disclaimer with disclaimer fee

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

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

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) on the part of the Applicant(s) 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 711.02(c), subsections (III)(C) and (D))].

Signature	5/29/08 Date
Bruce H. Troxell Typed or printed name	26,592 Registration Number, if applicable
5205 Leesburg Pike, Suite 104 Address	703-575-2711 Telephone Number
Falls Church, VA 22041 Address	

Enclosures:

☒ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☒ Other: Request for Continued Examination; Revocation of Power of Attorney and Appointment of New Attorney and Change of Address

Inventor Information for 11/018035

Inventor Name	City	State/Country
CHEN, CHANG-TZU	TAIPEI	TAIWAN

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

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Attorney Docket # Search

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OIPE IAP97
MAY 29 2008
PATENT & TRADEMARK OFFICE

Attorney Docket: BHT/3092-818

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	CHEN
Application No.	:	11/018,035
Filed	:	December 20, 2004
Title	:	SYRINGE PROTECTIVE STRUCTURE
Group Art Unit	:	3767
Examiner	:	D.K. Hall
Docket No.	:	BHT/3092-818

MAIL STOP AMENDMENT
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL COVER SHEET

Sir:

Transmitted herewith for filing are the following:

1. PETITION FOR REVIVAL of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b), along with **a check in the amount of $770** to cover Small Entity fees.
2. REQUEST FOR CONTINUED EXAMINATION along with **a check in the amount of $405** to cover the Small Entity fees.
3. REVOCATION OF POWER OF ATTORNEY AND APPOINTMENT OF NEW ATTORNEY AND CHANGE OF ADDRESS.

CHECK NO. 1497 IN THE AMOUNT OF: $1,175.00

The Commissioner is hereby authorized to charge any fees which may be required for the filing of this document to Deposit Account No. 501874.

Respectfully submitted,

Date: 5/29/08

By: [signature]
Bruce H. Troxell
Reg. No. 26,592

TROXELL LAW OFFICE PLLC
5205 Leesburg Pike, Suite 1404
Falls Church, Virginia 22041
Telephone: 703 575-2711
Telefax: 703 575-2707

CUSTOMER NUMBER: 40144

OIPE IAP97
MAY 29 2008
PATENT & TRADEMARK OFFICE

Attorney Docket: BHT/3092-818

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	CHEN
Application No.	:	11/018,035
Filed	:	December 20, 2004
Title	:	SYRINGE PROTECTIVE STRUCTURE
Group Art Unit	:	3767
Examiner	:	D.K. Hall
Docket No.	:	BHT/3092-818

MAIL STOP PETITION
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REVOCATION OF POWER OF ATTORNEY AND APPOINTMENT OF NEW ATTORNEY AND CHANGE OF ADDRESS

Sir:

Applicant submits herewith a Revocation of Power of Attorney and Appointment of New Attorney and respectfully requests that all further correspondence in this application be forwarded to BRUCE H. TROXELL at the following address:

TROXELL LAW OFFICE PLLC
5205 LEESBURG PIKE, SUITE 1404
FALLS CHURCH, VIRGINIA 22041

Respectfully submitted,

Date: 5/29/08

By: Bruce H. Troxell
Reg. No. 26,592

TROXELL LAW OFFICE PLLC
5205 Leesburg Pike, Suite 1404
Falls Church, Virginia 22041
Telephone: (703) 575-2711
Telefax: (703) 575-2707

CUSTOMER NUMBER: 40144

OIPE IAP87
MAY 29 2008
PATENT & TRADEMARK OFFICE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:
SERIAL NO.: 11/018,035
FILED: December 20, 2004
U.S. PATENT:
GRANTED:
INVENTOR(S): Chang-Tzu CHEN
TITLE: SYRINGE PROTECTIVE STRUCTURE

GROUP ART UNIT: 3767
EXAMINER: D.K. Hall
ATTY DOCKET NO.: 3092-818

REVOCATION OF POWER OF ATTORNEY AND APPOINTMENT OF NEW ATTORNEY

THE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
Sir:

I (We), the inventor(s) or owner(s) of the entire right, title and interest in and to the above application or patent, as shown below, hereby revoke all previous powers of attorney I (we) have granted in the above-identified application or patent, and hereby appoint the following as my (our) new attorneys, to receive all correspondence, prosecute this application, if applicable, and to otherwise transact all business in the Patent and Trademark Office connected with this application or patent:

Bruce H. Troxell, Reg. No. 26,592

I (We) as representative(s) of or as the ASSIGNEE executing this document below hereby declare that the assignment document(s) or other papers evidencing ASSIGNEE's ownership of this patent or application have been reviewed, and I (we) hereby certify that, to the best of my (our) and the ASSIGNEE's knowledge and belief, title in the patent or application is in the ASSIGNEE named below.

Please send all further correspondence concerning this application or patent to:

TROXELL LAW OFFICE PLLC
5205 LEESBURG PIKE, SUITE 1404
FALLS CHURCH, VA 22041

Telephone: (703) 575-2711
Facsimile: (703) 575-2707
Direct telephone calls to: Bruce H. Troxell

Date: April 14, 2008

Inventor Signature:

Printed Name: Chang-Tzu CHEN

Date:

Assignee of Record:

Signature:

Printed Name and Title:

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED
JUL 0 6 2006
OFFICE OF PETITIONS

In re Application of :
Yoshinori Tanaka et al. :
Application No. 11/018,075 : ON PETITION
Filed: December 20, 2004 :
Attorney Docket No.**02309/100K361-US3** :

This is a decision on the "Petition Under 37 CFR 1.10" filed March 29, 2006.

Petitioners claim that an Information Disclosure Statement (IDS) was filed on May 26, 2005, preceding the mailing of the first office action which was mailed on June 14, 2005. Petitioners claim that according to Patent Application Information Retrieval (PAIR), it was never received. Petitioner provides copies of the IDS purportedly filed on May 26, 2005, an Express Mail Label, a postcard receipt and a print out from PAIR.

At the outset, it should be noted that relief sought under 37 CFR 1.10(e) is appropriate only when petitioners claim that an application has been filed but that the USPTO has lost the application, not as in the instant matter where petitioner is claiming to have filed an IDS or other office communication. Thus, the present petition will be **DISMISSED**.

The response has been located and unfortunately, petitioner had provided an incorrect serial number (11/018,146) on the IDS which is why the IDS dated May 26, 2005 was not matched with the file until the petition was received on March 29, 2006.

Relief under 37 CFR 1.8 using a certificate of mail or the provisions of MPEP 503, using a postcard receipt, serve best as proof of filing. In this instance petitioner provides a copy of a postcard receipt but unfortunately it is not date stamped by the USPTO and thus cannot serve as proof of filing. This matter will be referred to Technology Center 1744 for consideration of the timeliness of the IDS in view of the fact that the certificate of mail has been provided pursuant to 37 CFR 1.10 and not pursuant to 37 CFR 1.8 and in view of the fact that the IDS dated May 26, 2005 is of record in application filed 11/018,146.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

DEC 1 5 2008

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Amor et al. :
Application Number: 11/018077 :
Filing Date: 12/20/2004 :
Attorney Docket Number: 22394-514 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed on November 19, 2008.

This application was held abandoned for failure to timely respond to the non-final Office action mailed on April 30, 2008, which set a three (3)-month shortened period for reply. Notice of Abandonment was mailed on November 7, 2008. On November 19, 2008, the subject petition was filed.

Petitioners request that the Office withdraw the holding of abandonment due to non-receipt of the non-final Office action mailed on April 30, 2008. In support of the allegation that the non-final Office action mailed on April 30, 2008 was never received, petitioners have submitted a copy of counsel's docket record and mail log, and have provided a statement by registered patent practitioner David E. Johnson, stating that a review of counsel's docketing system and mail log does not provide any indication that the non-final Office action was received.

A review of the record indicates no irregularity in the mailing of the non-final Office action mailed on April 30, 2008, and in the absence of any irregularity in the mailing, there is a strong presumption that the non-final Office action mailed on April 30, 2008, was properly mailed to the address of record. This presumption may be overcome by a showing that the non-final Office action mailed on April 30, 2008 was not in fact received.

MPEP 711.03(c) states, in pertinent part:

> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's

representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar;

reminder system; or the individual docket record for the application in question.

The docket report provided is being construed as a master docket for the firm. Petitioners **must** inform the Office if the is an incorrect interpretation.

Accordingly, there was no abandonment in fact. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED.**

The application is being referred to the Technology Center technical support staff for remailing of the non-final Office action mailed on April 30, 2008. The period for reply will be reset from the mailing date thereof.

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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FITCH EVEN TABIN AND FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

MAILED

APR 0 8 2009

OFFICE OF PETITIONS

In re Application of :
Alex et al. :
Application Number: 11/018081 :
Filing Date: 12/21/2004 :
Attorney Docket Number: 7793-83576 :

ON PETITION

This is a decision on the petition, styled under 37 CFR 1.137(a), and filed on February 27, 2009, which is treated as a petition filed 37 CFR 1.137(b).[1]

The petition is **granted**.

This application became abandoned on September 28, 2008, for failure to timely submit a reply to the non-final Office action mailed on June 27, 2008, which set a three (3)-month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on January 21, 2009.

Although the petition styled under 37 CFR 1.137(a), petitioner states that the delay was unintentional and has paid the fee required for a petition under 37 CFR 1.137(b). Accordingly, the

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

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

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

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

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

petition will be treated as a petition filed under 37 CFR 1.137(b).

Receipt of the amendment filed with the subject petition is acknowledged.

The statement contained in the instant petition does not set forth that the entire delay from the due date of the required reply to the date of the filing of a grantable petition was unintentional as required by 37 CFR 1.137(b)(3). However, the statement contained in the instant petition is being so construed. Petitioner **must** notify the Office if this is not a correct interpretation.

The application is being referred to Technology Center Art Unit 3773 for further processing.

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

OK TO ENTER: /T.B./

/T.B./ 02/02/2010

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT** of:			
	Alexander Reznik		
Patent No.:	7,400,692	Our File:	I-2-0617.1US
Issued:	July 15, 2008	Date:	August 6, 2008
Appln. No.:	11/018,097		
Filed:	December 20, 2004		
Confirmation No.:	9900		
For: TELESCOPING WINDOW BASED EQUALIZATION			

REQUEST FOR CERTIFICATE OF CORRECTION

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

Sir:

A Certificate of Correction under 35 U.S.C. §§ 254, 255 and 37 C.F.R. §§1.322, 1.323 is requested for U.S. Patent No. 7,400,692. Correction of the following errors is requested.

ON THE FACE PAGE

At section (56), U.S. PATENT DOCUMENTS, page 3, left column, line 19, on the line beginning with "6,697,441", after "2/2004", delete "Bottemley et al.", and insert therefor --Bottomley et al.--.

OK TO ENTER: /T.B./

/T.B./ 02/02/2010

At section (56), U.S. PATENT DOCUMENTS, page 4, right column, line 25, on the line beginning with "2003/0227960", after "12/2003", delete "Papaskellariou", and insert therefor --Papasakellariou--.

At section (56), U.S. PATENT DOCUMENTS, page 4, right column, line 40, on the line beginning with "2004/0032900", after "2/2004", delete "Homg et al.", and insert therefor --Horng et al.--.

At section (56), FOREIGN PATENT DOCUMENTS, page 5, left column, line 1, before line beginning with "EP 0715421", insert

--EP 0642243 A1 9/1993
EP 0607755 A1 12/1993
EP 0674455 A1 10/1994
EP 0691754 A2 1/1996
EP 0701344 A1 3/1996--.

IN THE SPECIFICATION

At column 1, line 24, after the word "network", delete "nodes" and insert therefor --node--.

At column 1, line 36, after the words "communications and", delete "a" and insert therefor --an--.

At column 1, line 44, before the words "an infinite", delete "handing" and insert therefor --handling--.

OK TO ENTER: /T.B./

/T.B./ 02/02/2010

At column 1, line 56, after the word "relationships", delete "$E[n_i n^*_j]^* = \sum_{i,j}$;" and insert therefor -- $E[n_i n^*_j] = \sum_{i,j}$;" --.

At column 3, line 39, before the word "Cholesky", delete "a".

At column 4, line 1, after the word "interest", delete "are" and insert therefor --is--.

At column 4, line 58, after the word "communication", delete "system" and insert therefor --systems--.

At column 5, line 39, before the words "by the", delete "affect" and insert therefor --affected--.

At column 5, line 52, after the words "and to", insert --the--.

At column 7, line 45, before the word "results", delete "substation", and insert therefor --substitution--.

IN THE CLAIMS

At claim 7, column 8, line 57, after the word "updated", delete "Chole sky" and insert therefor --Cholesky--.

OK TO ENTER: /T.B./

/T.B./ 02/02/2010

Patentee: Alexander Reznik
Patent No.: 7,400,692

REMARKS

Patentees believe that the above errors are of such a nature as to justify the issuance of a Certificate of Correction. Patentees have enclosed a completed Certificate of Correction Form PTO/SB/44.

Applicant is requesting the addition of references to the face page of this patent. A copy of the Form PTO-1449 showing the Examiner's initials indicating consideration of the references is attached.

Since at least one of the errors was caused by Applicants, please charge the surcharge fee pursuant to C.F.R. §1.20(a) of $100.00 to the Deposit Account of InterDigital Communications Corporation, Deposit Account No. 09-0435.

Patentees respectfully request that the Certificate of Correction be issued.

Respectfully submitted,

Alexander Reznik

By_____

Robert D. Leonard
Registration No. 57,204
(215) 568-6400

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

RDL/dcb

OK TO ENTER: /T.B./
/T.B./,02/02/2010

RECEIVED
AM/PM
JUN 1 1 2007
VOLPE & KOENIG, P.C.

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	ATTY. DOCKET NO. I-2-0617.1US	SERIAL NO. 11/018,097
	APPLICANT Alexander Reznik	
	FILING DATE December 20, 2005	GROUP 2667

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES	TRANSLATION NO
		04/054101 A1	06/2004	WO				
		2004/046901 A2	06/2004	WO				
		2004/047269 A2	06/2004	WO				
		04/056002 A1	07/2004	WO				
		04/059878 A1	07/2004	WO				
		04/062158 A2	07/2004	WO				
		0642243 A1	09/1993	EP				
		0607755 A1	12/1993	EP				
		0674455 A1	10/1994	EP				
		0691754 A2	01/1996	EP				
		0701344 A1	03/1996	EP				
		0715421 A2	06/1996	EP				
		0755141 A2	01/1997	EP				
		0762671 A1	03/1997	EP				
		0766468 A2	04/1997	EP				
		0782275 A2	07/1997	EP				
		0784311 A1	07/1997	EP				
		0806844 A1	11/1997	EP				
		0858175 A2	02/1998	EP				
		0851600 A2	07/1998	EP				
		0858186 A2	08/1998	EP				
		0883318 A1	12/1998	EP				
		0884857 A2	12/1998	EP				
		0889661 A2	01/1999	EP				
		0892508 A2	01/1999	EP				

EXAMINER	DATE CONSIDERED
~~5/28~~ S. Bocure	5/28/07

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

OK TO ENTER: /T.B./

/T.B./ 02/02/2010

PTO/SB/44 (04-05)
Approved for use through 04/30/2007.
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,400,392

APPLICATION NO.: 11/018,097

ISSUE DATE : July 15, 2008

INVENTOR(S) : Alexander Reznik

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

ON THE FACE PAGE

At section (56), U.S. PATENT DOCUMENTS, page 3, left column, line 19, on the line beginning with "6,697,441", after "2/2004", delete "Bottemley et al.", and insert therefor --Bottomley et al.--.

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--EP 0642243 A1 9/1993
EP 0607755 A1 12/1993
EP 0674455 A1 10/1994
EP 0691754 A2 1/1996
EP 0701344 A1 3/1996--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):
Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

OK TO ENTER: /T.B./

/T.B./ 02/02/2010

PTO/SB/44 (04-05)
Approved for use through 04/30/2007.
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,400,392

APPLICATION NO.: 11/018,097

ISSUE DATE : July 15, 2008

INVENTOR(S) : Alexander Reznik

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IN THE SPECIFICATION

At column 1, line 24, after the word "network", delete "nodes" and insert therefor --node--.

At column 1, line 36, after the words "communications and", delete "a" and insert therefor --an--.

At column 1, line 44, before the words "an infinite", delete "handing" and insert therefor --handling--.

At column 1, line 56, after the word "relationships", delete "$E[n_i n^*_j]^* = \sum_{i,j}$;" and insert therefor -- $E[n_i n^*_j] = \sum_{i,j}$;" --.

At column 3, line 39, before the word "Cholesky", delete "a".

At column 4, line 1, after the word "interest", delete "are" and insert therefor --is--.

At column 4, line 58, after the word "communication", delete "system" and insert therefor --systems--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):
Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

OK TO ENTER: /T.B./

/T.B./ 02/02/2010

PTO/SB/44 (04-05)
Approved for use through 04/30/2007.
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,400,392

APPLICATION NO.: 11/018,097

ISSUE DATE : July 15, 2008

INVENTOR(S) : Alexander Reznik

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:

At column 5, line 39, before the words "by the", delete "affect" and insert therefor --affected--.

At column 5, line 52, after the words "and to", insert --the--.

At column 7, line 45, before the word "results", delete "substation", and insert therefor --substitution--.

IN THE CLAIMS

At claim 7, column 8, line 57, after the word "updated", delete "Chole sky" and insert therefor --Cholesky--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):
Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8/21/08

TO SPE OF : ART UNIT 2611 Tesfaldet Bocure

7400692

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/018097 Patent No.: ~~7400692~~

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

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

Thank You For Your Assistance

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

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

Comments: The amendments to the specification and claim has been approved and entered

_____ **SPE**

2611 **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PFIZER INC
150 EAST 42ND STREET
5TH FLOOR - STOP 49
NEW YORK NY 10017-5612

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JAN 27 2006

OFFICE OF PETITIONS

In re Application of	:	
O'Gorman et al.	:	
Application No. 11/018,113	:	DECISION ON PETITION
Filed: 20 December, 2004	:	
Atty Docket No. PC25785A	:	

This is a decision on the petition filed on 5 December, 2005, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 2 April, 2005, for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application mailed on 1 February, 2005, which set

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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)).

a two (2) month shortened period for reply. No extensions of time under 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 6 October, 2005.

Petitioners have filed an executed declaration under 37 CFR 1.63 and the late-filing surcharge required by the Notice mailed on 1 February, 2005.

This application is being referred to the Office of Initial Patent Examination 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2-10-09

TO SPE OF : ART UNIT 2189

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/018114 Patent No.: 7356730

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

Last Req. should Claims 10-18 be deleted and re-number claim 19 + 20

E. James
Certificates of Correction Branch
703-308-9390 ext. _____

Thank You For Your Assistance

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

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

Comments: Claim 10-18 cancelled Claims 19 & 20 now renumbered 10 and 11

Reginald G. Bragg
SPE

2189
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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WITHROW & TERRANOVA, P.L.L.C.
100 REGENCY FOREST DRIVE
SUITE 160
CARY NC 27518

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JUN 18 2007

OFFICE OF PETITIONS

In re Application of	:	
LINSKY, Joel et al.	:	
Application No. 11/018,126	:	DECISION ON PETITION
Filed: December 21, 2004	:	TO WITHDRAW
Attorney Docket No. **2900-024**	:	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 16, 2007.

The request is **NOT APPROVED**.

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, transfer of responsibility, 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 Tredelle Jackson at 571-272- 2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **QUALCOMM INCORPORATED**
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JENKINS, WILSON, TAYLOR & HUNT, P. A.
Suite 1200 UNIVERSITY TOWER
3100 TOWER BLVD.,
DURHAM, NC 27707

Mail Date: 04/21/2010

Applicant	: Erik R. Swenson	: DECISION ON REQUEST FOR
Patent Number	: 7606249	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/018,132	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **852** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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LLOYD L. ZICKERT
Suite 1100
79 West Monroe Street
Chicago, IL 60603

Mail Date: 04/21/2010

Applicant	: Andrew C. Kesling	: DECISION ON REQUEST FOR
Patent Number	: 7581950	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/018,153	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **95** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

Mail Date: 04/20/2010

Applicant	: Mark L. Delaney	: DECISION ON REQUEST FOR
Patent Number	: 7590276	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/018,155	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1210** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Stephen Michael Patton
P.O. Box 381454
Germantown, TN 38183

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AUG 16 2006

OFFICE OF PETITIONS

In re Application of	:	
THANNIKARY et al.	:	
Application No. 11/018,178	:	DECISION ON PETITION
Filed: December 21, 2004	:	TO WITHDRAW
Attorney Docket No. 17669	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 17, 2006.

The request is **NOT APPROVED**.

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, no longer legally representing the assignee, does not meet any of the conditions set forth in 37 CFR 10.40 as the assignee has not intervened in accordance with 37 CFR 3.71.

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.

David Bucci
Petitions Examiner
Office of Petitions

cc: CNH AMERICA LLC
Intellectual Property Law Department
P.O. Box 1895, MS 641
New Holland, PA 17557

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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EMISPHERE TECHNOLOGIES, INC
240 CEDAR KNOLLS ROAD
SUITE # 200
CEDAR KNOLLS, NJ 07927

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MAR 2 5 2008

OFFICE OF PETITIONS

In re Application of	:	
Donald J. SARUBBI	:	
Application No. 11/018,180	:	DECISION ON PETITION
Filed: December 20, 2004	:	
Attorney Docket No. 200746-US2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 01, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed May 15, 2007 which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 16, 2007.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an election (2) the petition fee of $770.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the restriction requirement of May 15, 2007 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

The application is being referred to the Technology Center AU 1646 for appropriate action on the concurrently filed election.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY, UT 84110

Mail Date: 04/20/2010

Applicant	: Lothar Steidler	: DECISION ON REQUEST FOR
Patent Number	: 7601799	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/018,188	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **204** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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THE LAW OFFICES OF STEVEN MCHUGH LLC
46 WASHINGTON STREET
MIDDLETOWN CT 06457

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OCT 01 2009

OFFICE OF PETITIONS

In re Application of	:	
Hallahan, et al.	:	
Application No. 11/018,201	:	DECISION ON
Filed: December 20, 2004	:	PETITION
Attorney Docket No. ISI-2449	:	

This is in response to the petition to revive under 37 CFR 1.137(b), filed September 14, 2009.

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

The above application became abandoned for failure to timely file corrected drawings in response to the Notice of Allowability, mailed February 6, 2009. This Notice set a statutory period for reply of three months. No drawings having been received, the application became abandoned on May 7, 2009. The Office mailed a Notice of Abandonment on June 2, 2009.

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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MAR 1 3 2006

OFFICE OF PETITIONS

In re Application of :
Richard M. Ehrlick et al :
Application No. 11/018,202 :
Filed: December 20, 2004 :
Attorney Docket No. PANAP-01075USN

ON PETITION

This is a decision on the petition filed, March 10, 2006 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 23, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2651 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 1 3 2006

OFFICE OF PETITIONS

Date : March 10, 2006

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner for Patent Examination Policy

SUBJECT : Withdrawal from Issue of Application No. 11/018,202

Applicant(s) : Richard M. Ehrlick et al
Application No. : 11/018,202
Filed : December 20, 2004

The above-identified application has been assigned Patent No. 7,019,935 and an issue date of March 28, 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: March 28, 2006.

> "All reference to Patent No. 7,019,935 to Richard M. Ehrlick of California for METHODS FOR WORF IMPROVEMENT IN CONDITIONAL SERVOWRITING appearing in the Official Gazette of March 28, 2006 should be deleted since no patent was granted."

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Paul Harrison, MDW-4B03 (FAX-273-5468)
Deneise Boyd, MDE-3D39 (FAX-273-5124)
Mary Louise McAskill, ST-8C15 (FAX 305-4372)
Niomi Farmer, ST-8C14 (FAX-305-4372)
Mary E. Johnson (Cookie) MDE-7C71 (FAX 273-0038)
Duane Davis P/OPC MDE-7D89
Tamara K. Greene ST-8C13

UNITED STATES PATENT AND TRADEMARK OFFICE

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ARTHUR G. SCHAIER
CARMODY & TORRANCE LLP
50 LEAVENWORTH STREET
P.O. BOX 1110
WATERBURY CT 06721

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DEC 0 5 2008

OFFICE OF PETITIONS

In re Application of :
Aoki, et al. :
Application No. 11/018,220 :
Filed: December 21, 2004 :
Attorney Docket No. 26281-07A :
For: FUEL SUPPLY PUMP AND TAPPET STRUCTURE BODY

ON PETITION

This decision is mailed in response to the petition filed on July 18, 2008, entitled, "PETITION UNDER RULE 1.182 OR IN THE ALTERNATIVE, UNDER RULE 1.183, TO PERMIT ENTRY OF A CERTAIN SET OF DRAWING SHEETS IN APPLICATION SERIAL NO. 11/018,220. The petition is being treated under 37 CFR 1.53(e) and 37 CFR 1.183. In addition, this decision addresses the petition under 37 CFR 1.182, filed November 20, 2008, to expedite the decision making process with respect to the July 18, 2008 petition.

The petition under 37 CFR 1.53(e) is **DISMISSED**.

The petition under 37 CFR 1.183 to enter newly submitted drawings in the application is **DISMISSED**.

The petition under 37 CFR 1.182 to expedite is **GRANTED**.

The application was filed on December 21, 2004. On June 27, 2008, the Office mailed an Ex Parte Quayle Office action, pointing out that the drawings filed on April 14, 2008, while corresponding to the PCT parent application, were different from those originally filed on December 21, 2004. The present petitions were filed in response.

Petitioners argue that Figures 1-26, present on 23 sheets, were filed on December 21, 2004. In support, the petition is accompanied by a declaration of the attorney of record, Arthur G. Schaier, and Florence S. Chamoures, who reviewed the application and attest to the fact that Figures 1-26 were filed with the present application and that the firm copy of the application contains the correct drawing figures, thus supporting their conclusions.

Ms. Chamoures states in her declaration without equivocation or doubt that she checked the assembled application papers to determine that the application included all drawings before placing the application in the Express Mail pouch.

The Office file is the official record of what was filed on December 21, 2004. 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. In this regard, declarations by individuals involved in the preparation and mailing of the original application reciting their personal recollection or belief of what was contained in the application that they reviewed and/or mailed are no more persuasive of what was actually mailed than the contents of the official record. Such declarations, as in this case, are usually made months after the actual events recited. In this case, the declarations supplied on July 18, 2008, were made more than years after the application was actually mailed.

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 long ago established 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 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 section 503, Manual Of Patent Examining Procedure (MPEP 503).

The present petition is accompanied by a copy of applicants' itemized return postcard receipt showing 23 sheets of drawings were filed received in the Office on December 21, 2004 and were assigned (along with the other application papers) Application No. 11/018,220. A review of the contents of the official file shows that 23 sheets of drawings were, in fact, filed on December 21, 2004, and are presently in the file. However, none of the 23 sheets of drawings correspond with the drawings filed with the present petition.

Petitioners have not provided persuasive evidence that the 23 sheets of drawings filed with the instant petition were filed as a part of the present application on December 21, 2004. Therefore, the petition under 37 CFR 1.53(e) is **dismissed**.

With respect to the petition under 37 CFR 1.183, the petition lacks a showing that justice requires waiver of the rule. For grant of the relief sought in a petition under 37 CFR 1.183, petitioners must show (1) that this is an extraordinary situation where (2) justice requires waiver of the rule. *In re Sivertz*, 227 U.S.P.Q. 255, 256 (Comm'r Pat. 1985).

Circumstances resulting from applicants' failure to exercise due care, or lack of knowledge of, or failure to properly apply, the patent statutes or rules of practice are not, in any event, extraordinary circumstances where the interests of justice require the granting of extraordinary relief. *See In re Tetrafluor, Inc.*, 17 USPQ2d 1160, 1162 (Comm'r Pats. 1990); *In re Bird & Son, Inc.* 195 USPQ 586, 588 (Comm'r Pats. 1977); *Huston v. Ladner*, 23 USPQ2d 1910 (Fed. Cir. 1992); *Vincent v. Mossinghoff*, 230 USPQ 621, 625 (D.D.C. 1985).

Furthermore, it is not appropriate to grant extraordinary relief when a routine avenue of relief is available.

Petitioners state that the above-identified application contains a claim for benefit of priority under 37 CFR 1.55 or 1.78 to Application No. PCT/JP03/13688 and that the correct drawings were contained in that application. Therefore, petitioners are permitted to amend the above-identified application to include the correct drawings and thereby, obtain a December 21, 2004 filing date for the correct drawings.

The applicable rule provides (in pertinent part):

> **§ 1.57 Incorporation by reference.**
>
> (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 § 1.55 for priority of a prior-filed foreign application, or 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 § 1.55 or § 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. The applicant is also required to:
>
> (i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;
>
> (ii) Supply an English language translation of any prior-filed application that is in a language other than English; and
>
> (iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.

A petition is not required because the application already has a filing date. Applicants should file an RCE (as the outstanding Office action is an *Ex Parte Quayle* Office action) and required fee and a formal amendment to include the inadvertently omitted drawing(s). The amendment will be considered by the examiner. Please note that this amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17.

After the mailing of this decision, the application will be forwarded to Technology Center AU 3746 to await receipt of an RCE, fee, and formal amendment to include the drawings from Application No. PCT/JP03/13688.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3230. All other inquiries should be directed to the examiner of record.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 04/21/2010

Applicant	: Berna Erol	: DECISION ON REQUEST FOR
Patent Number	: 7603620	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/018,231	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **456** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.:20070620

DATE : June 20, 2007

TO SPE OF : ART UNIT 2816

SUBJECT : Request for Certificate of Correction on Patent No.: 11018275

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

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

Thank You For Your Assistance **Certificates of Correction Branch**

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

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: Robert Pascal **Art Unit** 2816

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO.	:	US 7, 064,595 B2
DATED	:	June 20, 2006
INVENTOR(S)	:	Sharma et al.

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

Column 1, Line 36	Delete: "Tr1 Tr2 and Tr3" Insert: -- Tr1, Tr2 and Tr3 --
Column 1, Line 62	Delete: "On other" Insert: -- On the other --
Column 2, Line 6	Delete: "the another" Insert: -- another --
Column 4, Line 27	Delete "are equal IN2," Insert: -- IN2 are equal, --
Column 5, Line 14	Delete: "become" Insert: -- becomes --
Column 5, Line 36	Delete: "become" Insert: -- becomes --
Column 5, Line 66	Delete: "present" Insert: -- the present --
Column 6, Line 15	Delete: "crosses" Insert: -- cross --
Column 6, Line 22	Delete: "signal" Insert: -- signals --
Column 7, Line 25	Delete: "mirrors" Insert: -- sources --
Column 7, Line 31	Delete: "an first" Insert: -- a first --

Okay to Enter Changes

Khareem E Almo

6/21/2007

MAILING ADDRESS OF SENDER:
Christopher F. Regan
Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.
255 S. Orange Avenue - Suite 1401
P.O. Box 3791
Orlando, FL 32802-3791
PHONE : (407) 841-2330

PATENT NO. US 7,061,985 B2

NOV 17 2006

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

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JUL 3 1 2008

In re Application of

LAURILA, Jukka
Application No. 11/018,294
Filed: December 21, 2004
Attorney Docket No. **037145-6101**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 11, 2008.

The request is **APPROVED**.

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

The request was signed by G. Peter Albert, Jr. on behalf of all attorneys of record who are associated with customer No. 30542. All attorneys/agents associated with the Customer Number 30542 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at Tredelle Jackson.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **JUKKA LAURILA**
PAHKINAMAENTIE 10
FIN-37120
FINLAND

cc: **BRADLEY C. WRIGHT**
BANNER & WITCOFF LLP
1100 13TH STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005

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Paper No.

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

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DEC 15 2009

OFFICE OF PETITIONS

In re Application of :
Edwards et al. :
Application No. 11/018,297 : ON APPLICATION FOR
Filed: December 21, 2004 : PATENT TERM ADJUSTMENT
Atty Docket No. 088245-8245 :

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705," filed on September 1, 2009, which is treated as an application for patent term adjustment filed under 37 CFR 1.705(b). Applicants submit that the correct patent term adjustment to be indicated on the patent is 413 days, not 375 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.

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, 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).

---

[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 Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Christina Partera Donnell for

Anthony Knight
Supervisor
Office of Petitions

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FOLEY & LARDNER LLP
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MADISON, WI 53701-1497

Mail Date: 04/21/2010

Applicant	: Bruce Edwards	: DECISION ON REQUEST FOR
Patent Number	: 7652844	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/018,297	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **437** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

Mail Date: 04/20/2010

Applicant	: Thiyagesan Ramalingam	: DECISION ON REQUEST FOR
Patent Number	: 7639667	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/018,329	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1407** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

In re Application of	:	
Ruben Martinez et al	:	
Application No. 11/018,340	:	DECISION GRANTING PETITION
Filed: December 20, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 24.0916	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 10, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amednment/drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Nonfinal Rejection mailed November 24, 2006, is accepted as having been unintentionally delayed.

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

This matter is being referred to Technology Center AU 3672 to consider the reply received October 10, 2007.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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ATT. CHENG-JU CHIANG JEFFREY T. KNAPP
458 E. LAMBERT ROAD
FULLERTON, CA 92835

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JUN 18 2007

OFFICE OF PETITIONS

In re Application of	:	
Chun-Chi Chen et al	:	
Application No. 11/018,349	:	ON PETITION
Filed: December 20, 2004	:	
Attorney Docket No. 14963-47909	:	

This is a decision on the petition, filed January 29, 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**.

Petitioner states that the correct assignee's name is Fu Zhun Precision Industry and Foxconn Technology Co., and that an incorrect assignee's name was included on the Part B - Fee(s) Transmittal form at the time of payment of the issue fee. Accordingly, petitioner requests that the patent issue to Fu Zhun Precision Industry and Foxconn Technology Co.,.

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 Fu Zhun Precision Industry and Foxconn Technology Co., has been recorded. Therefore, upon submission of the required certificate

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

of correction and fee, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that to Fu Zhun Precision Industry and Foxconn Technology Co., was the assignee of record at the time of issuance of the application into a patent. *Note also* 35 U.S.C. § 152.

In view of the above and **after issuance of this application into a patent, the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of a request for a certificate of correction (and fee) which sets forth to Fu Zhun Precision Industry and Foxconn Technology Co.,, as the assignee**. *No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in this request. A copy of this decision* ***must*** *accompany the request for a Certificate of Correction.*

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignee set forth in this request, since this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

Alternatively, if petitioner desires to have the correct assignee data appear on the front page of the Letters Patent, petitioner may wish to consider filing a petition to withdraw the subject application from issue under 37 CFR 1.313(c)(2). The petition to withdraw from issue under 37 CFR 1.313(c)(2) must be accompanied by a request for continued examination (RCE) and submission (which may be a request under 37 CFR 3.81(b)).

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.

Inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210. Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

Irvin Dingle
Petition Examiner
Office of Petitions

cc: Tim Tingkang Xia
Morris, Manning & Martin, LLP
3343 Peachtree Road, N.E.
Atlanta, GA 30326-1044

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7-16-07

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Patent No. : 7,180,744
Ser. No. : 11/018,349
Inventor(s) : Chun-Chi Chen, et. al.
Issued : February 20, 2007
Title : HEAT SINK MOUNTING DEVICE
Docket No. : 14963-47909

Re: Request for Certificate of Correction

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

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

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

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

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

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) **308-9390 ext. 124** or 105

Tim Tingkang Xia
Morris, Manning & Martin
1600 Atlanta financial Center
3343 Peachtree Road, NE
Atlanta, Georgia 30326-1044

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

Mail Date: 04/21/2010

Applicant	: Yoshikazu Ishii	: DECISION ON REQUEST FOR
Patent Number	: 7570748	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/018,355	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1228** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 04/21/2010

Applicant	: Erik Bush	: DECISION ON REQUEST FOR
Patent Number	: 7638519	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/018,383	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1018** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

Kristofer E. Elbing
187 Pelham Island Road
Wayland, MA 01778

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JAN 23 2006

OFFICE OF PETITIONS

In re Application of	:	
Nikiforos Kollias, et. al.	:	
Application No. 11/018,387	:	ON PETITION
Filed: December 20, 2004	:	
Attorney Docket No. M0001-003004	:	

This is a decision on the petition under 37 CFR 1.137(b), filed December 20, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to respond to the Notice to File Missing Parts of Nonprovisional Application mailed February 7, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $150 for the basic statutory filing fee; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay.

The Office also acknowledges receipt of $65 for the late filing surcharge of the filing fee, $250 for the search fee, $100 for the examination fee, and $100 for the claim fee.

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304

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AUG 1 2 2009

OFFICE OF PETITIONS

In re Application of

BOULANGER, William et al.
Application No. 11/018,391
Filed: December 21, 2004
Attorney Docket No. **056274-3600**

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 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 Antoinette Konski on behalf of all attorneys of record who are associated with customer No. 38706. All attorneys/agents associated with the Customer Number 38706 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 William Boulanger at the address indicated below.

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **WILLIAM A. BOULANGER**
1805 CYPRESS POINTE COURT
MAHOMET IL 61853

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC
55 SOUTH COMMERICAL STREET
MANCHESTER, NH 03101

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DEC 2 0 2005

OFFICE OF PETITIONS

In re Application of	:	
Harrison	:	
Application No. 11/018,411	:	Decision Refusing to Accord
Filed: December 21, 2004	:	Status Under 37 CFR 1.47(b)
Attorney Docket No. C&A101	:	
For: Single Convertible Top Mechanism ...	:	

This is in response to the petition under 37 CFR 1.47(b), filed September 8, 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(b)" and may include an oath or declaration executed by the current non-signing inventor(s). **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(b) 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;
(4) a statement of the last known address of the non-signing inventor;
(5) proof of proprietary interest; and
(6) proof of irreparable damage.

Applicant lacks items (2) and (5) set forth above.

As to item (2), the 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.64 or 1.175. Where a corporation is the 37 CFR 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. Where an application is executed by one other than the inventor, the declaration required by 37 CFR 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 CFR 1.47(b).

As to item (5), the petition fails to establish Rule 47 applicant has sufficient proprietary interest in the subject matter to justify the filing of the application. In requesting reconsideration, acceptable forms of proof may include:

(a) a copy of an employment agreement between the non-signing inventor and the Rule 47(b) applicant (company) which covers the invention,
(b) a copy of an assignment agreement showing that the invention disclosed in the application is assigned to the Rule 47(b) applicant, or
(c) a legal memorandum signed by an attorney familiar with the law of the jurisdiction stating that a court of competent jurisdiction would by the weight of authority in that jurisdiction award the title of the invention to the Rule 47(b) applicant.

Petitioner has supplied a copy of an "Invention Disclosure" signed by the non-signing inventor but has not supplied a copy of an employment agreement covering the invention. The disclosure does not state that the inventor is obligated to assign his entire interest in the invention to the employer. Petitioner should submit additional proof of a proprietary interest in the invention.

The current fee required for petitions under 37 CFR 1.47 is $200. Petitioner submitted $130. Therefore, $70 has been charged to petitioner's deposit account for the remainder of the 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 facsimile: (571) 273-8300
Attn: Office of Petitions

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC
55 SOUTH COMMERICAL STREET
MANCHESTER, NH 03101

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OFFICE OF PETITIONS

In re Application of	:	
Harrison	:	
Application No. 11/018,411	:	Decision According Status
Filed: December 21, 2004	:	Under 37 CFR 1.47(b)
Attorney Docket No. C&A101	:	
For: Single Convertible Top Mechanism ...	:	

This is in response to the renewed petition under 37 CFR 1.47(b), filed June 22, 2006.

The petition is **granted**.

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

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

The Office of Initial Patent Examination will be informed of the instant decision so that it may continue to prepare the application for examination.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SMITH GAMBRELL & RUSSELL
SUITE 3100, PROMENADE II
1230 PEACHTREE STREET, N.E.
ATLANTA, GA 30307-3592

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AUG 1 8 2006

OFFICE OF PETITIONS

In re Application of	:	
Nick Lari	:	
Application No. 11/018,415	:	DECISION ON PETITION
Filed: December 20, 2004	:	TO WITHDRAW
Attorney Docket No. 055683.011	:	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 **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 Christopher A. Holland, the sole attorney of record.

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

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

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

Denise Pothier
Petitions Examiner
Office of Petitions

cc: Nick Lari
9203 Jaybird Circle East
Jacksonville, FL 32257

cc: Nick Lari
Pro Clear Aquatic Systems, Inc.
2959 Mercury Road
Jacksonville, FL 32207

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
11/018,415	12/20/2004	Nick Lari	055683.011

CONFIRMATION NO. 5990

OC000000020085115

OC000000020085115

SMITH GAMBRELL & RUSSELL
SUITE 3100, PROMENADE II
1230 PEACHTREE STREET, N.E.
ATLANTA, GA 30307-3592

Date Mailed: 08/17/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/24/2005.

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

IRVIN DINGLE
OP (571) 272-3210

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BODNER & O'ROURKE, L.L.P.
ATTORNEYS AT LAW
425 BROADHOLLOW ROAD
MELVILLE, NY 11747

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AUG 0 8 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Ira Lerner, et al. :
Application No. 11/018,423 :
Filed: December 21, 2004 :
Attorney Docket No. None :

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 7, 2006, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extension of time under the provisions of 37 CFR 1.136(a) was obtained. A Notice of Abandonment was mailed on November 22, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the response in the form of an election of the invention to be examined; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay[1].

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 is being referred to Technology Center AU 2873 for consideration of the response filed March 27, 2007.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 08-19-08

TO SPE OF : ART UNIT 2873

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/018423 Patent No.: 7370961

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

FOR IFW FILES: IFW

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

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

FOR PAPER FILES:

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

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

A Chen

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

Thank You For Your Assistance

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

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

Comments: _____

/Ricky Mack/
SPE

2873
Art Unit

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

OCT - 6 2005

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE WA 98104-7092

In re Application of	:
Allen L. Bain et al	:
Serial No.: 11/018,428	: PETITION DECISION
Filed: December 21, 2004	:
Attorney Docket No.: 480102.403C4	:

This is a response to the petitions under 37 CFR 1.59(b), filed September 14, 2005, to expunge information from the above identified application. The application has been assigned to an examiner, but has not been acted on at the present time.

Petitioner requests that the Proprietary Information Disclosure Statement, filed September 14, 2005, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(h) has been paid.

This is an unexamined application. As such the information provided has not been reviewed by the examiner and the petition cannot be granted at this time. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application petition may be made for return of Proprietary Information Disclosure Statements.

The petition is **DISMISSED**. Applicants may resubmit the petition subsequent to allowance or other action being mailed in the application which closes prosecution. No additional petition fee will be required at that time.

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

Bruce M. Kisliuk
Director, Technology Center 1600

OIPE IAP77
DEC 02 2005
PATENT & TRADEMARK OFFICE

Express Mail No.: EV719389927US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Allen I. Bain et al.
Application No.	:	11/018,428
Filed	:	December 21, 2004
For	:	ION CHANNEL MODULATING COMPOUNDS AND USES THEREOF
	Art Unit	: 1626
	Docket No.	: 480102.403C4
	Date	: December 2, 2005

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

approved
CT
1/26/06

PETITION UNDER 37 C.F.R. § 1.48(b)

Commissioner for Patents:

Applicants hereby request that the inventorship of the above-identified application be amended to delete Cindy J. Longley and Allen I. Bain. It is hereby acknowledged that the deleted inventors' invention is no longer being claimed in the above-identified application. The correct inventorship is as follows: Gregory N. Beatch; Bertrand M.C. Plouvier; Tao Sheng; Michael J.A. Walker; Richad A. Wall; Sandro L. Yong; Jeff Jiqun Zhu; and Alexander B. Zolotoy.

Enclosed is a check in the amount of $130 for the requisite fee. The Commissioner is hereby authorized to charge any additional filing fees or to credit any overpayment to Deposit Account No. 19-1090.

Respectfully submitted,
Seed Intellectual Property Law Group PLLC

Emily W. Wagner
Registration No. 50,922

EWW:cw

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
(206) 622-4900
Fax: (206) 682-6031

12/06/2005 ZJUHAR1 00000019 11018428
01 FC:1464 130.00 OP

694189_1.DOC

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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MAY - 9 2006

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE WA 98104-7092

In re Application of	:
Allen L. Bain et al	:
Serial No.: 11/018,428	: PETITION DECISION
Filed: December 21, 2004	:
Attorney Docket No.: 480102.403C4	:

This is a response to the renewed petition under 37 CFR 1.59(b), filed December 2, 2005, to expunge information from the above identified application.

Petitioner requests that the Proprietary Information Disclosure Statement, filed September 14, 2005, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(h) has been paid.

This application has now been allowed. As such the information provided has been reviewed by the examiner and found not pertinent to rendering the application unpatentable. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application petition may be made for return of Proprietary Information Disclosure Statements.

The petition is **GRANTED**. The documents are returned herewith.

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

George C. Elliott
Director, Technology Center 1600

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

CAROL M. NIELSEN
WINSTEAD SECHREST & MINICK, P.C.
2400 BANK ONE CENTER
910 TRAVIS STREET
HOUSTON TX 77002

COPY MAILED

MAR 0 1 2006

OFFICE OF PETITIONS

In re Application of	:	
Sigg et al.	:	DECISION GRANTED
Application No. 11/018,443	:	
Filed: December 21, 2004	:	
Attorney Docket No.:	:	
42173/P003US(P11465)		

This is a decision on the petition filed July 15, 2005, requesting in effect that the Notice of Omitted Parts mailed on June 16, 2005 be withdrawn. The petition is being treated under 37 CFR 1.182.

The application was filed on December 21, 2004. However, on June 16, 2005, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of December 21, 2004 but no compact disc was included with the papers filed on December 21, 2004.

In response, the present petition was filed wherein Petitioner contends the two compact discs were filed on July 17, 2005. In support, the petition is accompanied by a copy of applicants' return postcard which lists " 2 computer readable". The petition is further accompanied by a copy of the compact disc submitted.

Applicant's postcard receipt is prima facie evidence that two compact disc were received on December 21, 2004. A review of the Office record shows that two compact discs were received on December 21, 2004 and placed in an artifact folder. Therefore, it is concluded that two compact disc were received on December 21, 2004. A review of the artifact folder shows that one compact disc has been located.

The petition is Granted. The $400.00 submitted towards the petition fee will be refunded 23-2426.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of December 21, 2004, using the compact discs submitted on December 21, 2004.

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

Charlema R. Grant

Charlema R. Grant
Petition Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED
JAN 11 2006
OFFICE OF PETITIONS

In re Application of	:	
Thomas C. May et al	:	
Application No. 11/018,457	:	DECISION GRANTING PETITION
Filed: December 21, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. MIT-5049	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 9, 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 February 14, 2005, which required the submission of the following items to avoid abandonment: (1) an executed oath or declaration; (2) the $130 surcharge fee for the late filing of the executed oath or declaration; and (3) replacement drawings. 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 timely obtained. Accordingly, the above-identified application became abandoned on April 15, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the items required by the Notice of February 14, 2005; (2) the petition fee of $1,500; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of February 14, 2005 is accepted as having been unintentionally delayed.

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

expired. Therefore, no extension fees are due on a petition for revival. In view thereof, the extension of time fee of $1,020 assessed to petitioner's deposit account on November 10, 2005 will be credited in due course.

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

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

Frances Hicks

Frances Hicks
Office of Petitions
Office of Petitions

C:\documents and settings\fhicks\my documents\470\018457 1-10-06

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN VA 22102

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AUG 30 2007

OFFICE OF PETITIONS

In re Application of

Li-Lien Lee, et al.
Application No. 11/018,471
Filed: December 22, 2004
Attorney Docket No. 146712010000

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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

The request is **NOT APPROVED**.

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

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: RAJ S. DAVE', PHD
DARBY & DARBY, PC
1500 K STREET, NW
SUITE 250
WASHINGTON, DC 20005-1714

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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DIW Aug-07

HANNA IBRAHIM
89 EL MIRGHANI STREET
HELIOPOLIS CAIRS
EGYPT

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AUG 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Hanna et al.	:	LETTER DISMISSING
Application Number: 11/018478	:	PETITION
Filing Date: 12/21/2004	:	
For: SKIN NOURISHING AND	:	
MOISTURIZING CREAM	:	

This is a decision on the paper filed on 6 July, 2007, requesting revival of the above identified application, which in the absence of a fee and in view of petitioners' statement that the Office action was never received, is treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.[1]

This application became abandoned on 2 February, 2007, for failure to file a timely reply to the non-final Office action mailed on 1 November, 2006, which set a three (3) month shortened statutory period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 11 June, 2007.

At the outset, the petition is not properly signed. The petition, which appears to have been signed by joint inventors Hanna Ibrahim Hanna and Madiha Elaguizi, cannot be considered on the merits because it is not properly signed. Specifically, 37 CFR 1.4 requires that all papers filed in the USPTO must be signed by either a registered patent attorney or all of the

[1] In the absence of the petition fee, which is required by law, the PTO can only treat the instant petition as a (feeless 1.181) petition to withdraw the holding of abandonment. See Krahn v. Comm'r, 15 USPQ2d 1823, 1825 (E.D. Va. 1990).

inventors in an application. As this application contains an executed declaration listing Ibrahim Hanna, Madiha Elaguizi, John Hanna, and Haidy Hanna, the petition must be signed by all of the inventors or by a registered patent practicioner.

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

In the present petition, petitioners request that the Office withdraw the holding of abandonment due to non-receipt of the Office action mailed on 1 November, 2006. Petitioners, *pro se*, states that "We have never received [the Office action mailed on 1 November, 2006] since we are outside the STATES since 04/2006." (capitalization in original)

Petitioners further state that "Most probably the letter sent to us on November 2006 has been sent to our address in the states and we never received it and we neither received it in Egypt."

It is noted, however, that the Office action mailed on 1 November, 2006, was mailed to: Hanna Ibrahim, 89 El Mirghani Street, Heliopolis Cairs, EGYPT. As such, the showing is that the Office action was mailed to petitioners' current address.

A review of the record indicates no irregularity in the mailing of the nonfinal Office action, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record. This presumption may be overcome by showing that the Office action was not in fact received. However, petitioner has not met the showing required to establish nonreceipt of an Office action. To establish nonreceipt of an Office action, a petitioner must: 1) include a statement that the Office action was not received; 2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and 3) include a copy of the **docket record** where the nonreceived Office action would have been entered had it been received and docketed.[2] A proper docket report consists of a "docket record **where the nonreceived Office action would have been entered had it been received and docketed.**"[3] "For example, if a three-month period for reply was set in the nonreceived Office action, a copy

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[2] M.P.E.P. § 711.03(c); See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

[3] MPEP 711.03(c)(II) (emphasis added).

of the docket record showing **all** replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted…"[4]

However, as petitioner is a *pro se* applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. Nevertheless, petitioner must provide some sort of showing explaining the manner in which petitioner receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter. Specifically, petitioner must explain the system for keeping track of patent matters - where petitioner keeps the correspondence; where he writes down due dates; how he knows replies are due, etc. In essence, petitioner must explain how he reminds himself of response due dates and show that the due date for the non-final Office action of 1 November, 2006, was not entered into that system. The Office would like to see documentary evidence and records as may exist which would substantiate that petitioner exercised due diligence with respect to petitioner's most important business.

The showing of record, however, is insufficient to support a finding that the Office action was not received. Additionally, if the correspondence became lost after receipt at the correspondence address, withdrawal of the holding of abandonment would not be proper.

As such the application is properly held abandoned.

The petition is **DISMISSED.**

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." Extensions of time are permitted under 37 CFR 1.136(a). In the alternative, petitioner may wish to file a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application.

A courtesy copy of the Office action mailed on 1 November, 2006, has been included for petitioner's use in preparing a reply, should petitioner wish to file a petition to revive the application.

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[4] Id.

Should petitioner decide to file a petition under 37 CFR 1.137(b), the fee due at present is $750.00 (small entity).

As Office fees are subject to change, however, petitioners should verify the fee due prior to submitting a petition. Current fee information is available on the USPTO Website at www.uspto.gov, or by phone at 1-800-786-9199.

Additionally, a copy of the petition to revive form has been enclosed.

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.

DIWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Cf: Office action mailed on 1 November, 2006
Form for Petition to Revive Under 37 CFR 1.137(b)

PTO/SB/64 (04-07)
Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

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

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

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

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

1. Petition fee

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

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

2. Reply and/or fee

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

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

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

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

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

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

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.

3. Terminal disclaimer with disclaimer fee

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

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

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

WARNING:

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

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

Enclosures:
- ☐ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

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

I hereby certify that this correspondence is being:

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

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

Date	Signature
	Typed or printed name of person signing certificate

Privacy Act Statement

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

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

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

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.
11/018,478	12/21/2004	Ibrahim Hanna		1359

7590 11/01/2006

HANNA IBRAHIM
89 EL Mirghani Street
Heliopolis Cairs,
EGYPT

EXAMINER
COTTON, ABIGAIL MANDA

ART UNIT	PAPER NUMBER
1617	

DATE MAILED: 11/01/2006

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

Office Action Summary	Application No.	Applicant(s)
	11/018,478	HANNA ET AL.
	Examiner	Art Unit
	Abigail M. Cotton	1617

-- 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 *30 August 2006*.

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) *1-6* is/are pending in the application.

4a) Of the above claim(s) *2-6* 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 _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/13/2005*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claims 1-6 are pending in the application, with claims 2-6 having been withdrawn as being drawn to non-elected inventions. Accordingly, claim 1 is being examined on the merits herein.

Election/Restrictions

Applicant's election without traverse of the claims of Group I, namely claim 1, in the reply filed on August 30, 2006 is acknowledged.

The restriction requirement is still deemed proper and is made final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,002,974 to Navin M. Geria, issued March 26, 1991, in view of U.S. Patent

No. 5,972,362 to Naamah T. Wenker, issued October 26, 1999, and further in view of U.S. Patent No. 4,986,986 to Nora Roth, issued January 22, 1991, U.S. Patent No. 5,362,494 to Zysman et al, issued November 8, 1994, U.S. Patent No. 5,567,426 to Nadaud et al, issued October 22, 1996, and U.S. Patent No. 6,200,579 to Elisabeth Picard, issued March 13, 2001.

Geria teaches an aesthetically pleasing medicated skin care moisturizing composition comprising an oil phase having oil in an amount of from about 30% to about 80% and an aqueous phase comprising water in an amount of from about 15% to about 65% (see abstract, in particular.) Geria teaches that useful oils for the oil phase can include lanolin, coconut oil and sweet almond oil (see column 4, lines 45-60, in particular), as recited in the claim. Geria further teaches that other ingredients and medicaments can be provided in the composition, such as moisturizers and humectants (see column 7, lines 25-67, in particular.)

Geria does not specifically teach providing spermaceti and beeswax in the oil phase of the composition, and also does not teach that the lanolin is anhydrous, as recited in the claim. Geria also does not specifically teach providing glycerin, rose water, hydrolyzed collage or hyaluronic acid in the water phase of the composition, as recited in the claim.

Wenker et al. teaches therapeutic skin care compositions for the treatment of dry skin (see abstract, in particular.) Wenker et al. teaches that traditional moisturizer components known to be useful in such skin treatment compositions include glycerin and beeswax (see column 1, lines 55-65, in particular), as recited in the claim.

Accordingly, it is considered that one of ordinary skill in the art at the time the invention was made would have found it obvious to provide the beeswax and glycerin of Wenker in the emulsion composition of Geria, because Geria teaches a moisturizing composition, and teaches that other ingredients and medicaments can be provided in the composition, including moisturizing components, and Wenker teaches that beeswax and glycerin are conventionally known moisturizers suitable for skin care compositions. Thus, one of ordinary skill in the art would have been motivated to provide the moisturizing ingredients of Wenker in the composition of Geria, with the expectation of providing suitable moisturizing components for the moisturizing composition.

Geria and Wenker do not specifically teach providing spermaceti or anhydrous lanolin, as recited in the claim. Geria and Wenker also do not specifically teach providing rose water, hydrolysed collagen or hyaluronic acid in the composition.

Roth teaches that anhydrous lanolin is suitable for use in a skin moisturizing lotion (see abstract, in particular.) Roth teaches that lanolin can be used as an ingredient to nourish and protect dry skin (see column 1, lines 19-23, in particular.)

Accordingly, it is considered that one of ordinary skill in the art at the time the invention was made would have found it obvious to provide the anhydrous lanolin of Roth in the emulsion composition of Geria and Wenker, because Geria and Wenker teach a moisturizing composition, and teach that other ingredients and medicaments can be provided in the composition, including moisturizing components, and Roth teaches that anhydrous lanolin is known for the treatment of dry skin. Thus, one of ordinary skill in the art would have been motivated to provide the anhydrous lanolin in the composition of Geria and Wenker, with the expectation of providing a suitable moisturizing and dry skin care component for the moisturizing composition.

Geria, Wenker and Roth do not specifically teach providing spermaceti, as recited in the claim. Geria, Wenker and Roth also do not specifically teach providing rose water, hydrolysed collagen or hyaluronic acid in the composition.

Zysman et al. teaches a cosmetic composition that can be a water-in-oil or oil-in-water emulsion (see column 3, lines 54-65, in particular.) Zysman et al. teaches that the fatty phase (oil phase) of such compositions can comprise conventionally used oils and waxes, such as spermaceti (see column 3, line 65 through column 4, line 15, in particular.)

Accordingly, it is considered that one of ordinary skill in the art at the time the invention was made would have found it obvious to provide the spermaceti of Zysman et al. in the emulsion composition of Geria, Wenker and Roth, because Geria, Wenker and Roth teach an emulsion composition having oil and water phases, and which can further comprise other ingredients, and Zysman et al. teaches that spermaceti is a compounds that is conventionally used in the fatty phase (oil phase) of cosmetic compositions. Thus, one of ordinary skill in the art would have been motivated to provide the spermaceti in the composition of Geria, Wenker and Roth, with the expectation of providing a suitable fatty phase ingredient for the oil phase of the compositions

Geria, Wenker, Roth and Zysman et al. do not specifically teach providing rose water, hydrolyzed collagen or hyaluronic acid in the composition.

Nadaud et al. teaches a cosmetic emulsion composition for application to skin (see abstract, in particular.) Nadaud et al. teaches that the emulsion can be used to treat dry skin by incorporating moisturizing active substances, such as hydrolyzed collagen and hyaluronic acid (see column 10, lines 50-60, in particular.)

Accordingly, it is considered that one of ordinary skill in the art at the time the invention was made would have found it obvious to provide the hyaluronic acid and hydrolyzed collagen of Naduad et al. in the emulsion composition of Geria, Wenker,

Roth and Zysman et al, because Geria, Wenker, Roth and Zysman e al. teach a moisturizing composition, and teach that other ingredients and medicaments can be provided in the composition, including moisturizing components, and Naduad teaches that hyaluronic acid and hydrolysed collagen are known as moisturizing ingredients for the treatment of dry skin. Thus, one of ordinary skill in the art would have been motivated to provide the hyaluronic acid and hydrolysed collagen in the composition of Geria, Wenker, Roth and Zysman et al. with the expectation of providing a suitable moisturizing and dry skin care component for the moisturizing composition.

Geria, Wenker, Roth, Zysman et al. and Nadaud et al. do not specifically teach providing rose water as a part of the composition.

Picard teaches a composition for application to skin (see abstract, in particular.) Picard teaches that the aqueous phase of such as composition can include demineralized (distilled) water, as well as floral waters such as rose water (see column 6, lines 38-50, in particular.)

Accordingly, it is considered that one of ordinary skill in the art at the time the invention was made would have found it obvious to provide the rose water of Picard in the emulsion composition of Geria, Wenker, Roth, Zysman et al. and Naduad et al; because Geria, Wenker, Roth, Zysman et al. and Naduad et al teach an emulsion composition having oil and water phases, and which can further comprise other

ingredients, and Picard teaches that it is known to provide rose oil in the aqueous phase of such a composition. Thus, one of ordinary skill in the art would have been motivated to provide the rose oil in the composition of Geria, Wenker, Roth, Zysman et al. and Naduad et al, with the expectation of providing a suitable aqueous phase material for the composition.

Is noted that, for the purposes of searching for and applying prior art under 35 U.S.C. 102 and 103, the transitional phrase "consisting essentially of" is being construed as equivalent to "comprising," absent a clear indication in the specification or claims of what is meant by, i.e. what is being excluded from the composition by, the phrase "consisting essentially of." See, e.g., PPG, 156 F.3d at 1355, 48 USPQ2d at 1355, and MPEP 2111.03.

It is respectfully pointed out that the recitation "skin-nourishing and anti-aging cream" in claim 1 has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *in re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and Kropa v. Robie, 187 F.2d 150, 152 88 USPQ 478, 481 (CCPA 1951.)

Conclusion

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abigail M. Cotton whose telephone number is (571) 272-8779. The examiner can normally be reached on 9:30-6:00, M-F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreenivasan Padmanabhan can be reached on (571) 272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

AMC

SREENI PADMANABHAN
SUPERVISORY PATENT EXAMINER

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Melanie L. McCollum
Oliff & Berridge, PLC
Alexandria, VA 22314

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SEP 19 2006
OFFICE OF PETITIONS

In re Application of	:	
Marian A. Devonec	:	
Application No. 11/018,508	:	DECISION ON PETITION
Filed: December 22, 2004	:	TO WITHDRAW
Attorney Docket No. 039179.02	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed July 11, 2006.

The request is **APPROVED**.

A review of the file record indicates that Melanie L. McCollum: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Melanie L. McCollum has/have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

The correspondence address of record remains unchanged.

The attorneys/agents associated with the firm Oliff & Berridge remain of record.

There is no outstanding Office action at this time.

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

David Bucci
Petitions Examiner
Office of Petitions

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

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OCT 14 2008

OFFICE OF PETITIONS

In re Application of:
VANCE, Scott L., et al.
Application No.: 11/018,519
Filed: December 21, 2004
Attorney Docket No.: 9314-99

DECISION APPROVING
WITHDRAWAL OF ATTORNEY

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

The Request is **APPROVED**.

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

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

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

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

Brian W. Brown
Petitions Examiner
Office of Petitions

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

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ERIC MIRABEL
BIOARRAY SOLUTIONS
35 TECHNOLOGY DRIVE
WARREN NJ 07059

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JUL 21 2005

OFFICE OF PETITIONS

In re Application of
Hiu Huang et al.
Application No. 11/018,521
Filed: December 21, 2004
Attorney Docket No: MAMA-C3A

: DECISION ON PETITION

This is a decision on the "Petition to Accept Specification and Drawings", filed June 20, 2005 in response to the "Notice To File Corrected Application Papers", mailed May 19, 2005, which is treated under 37 CFR 1.182.

The petition is **DISMISSED**.

On December 21, 2004, applicant filed the above-identified application. However, on May 19, 2005, the Office of Initial Patent Examination mailed a "Notice to File Corrected Application Papers" with an indication that replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 were required. The Notice also noted that while a filing date had been accorded, page 14 of the specification appeared to have been omitted.

Receipt of the replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121, is acknowledged.

The mailing of a notice of omitted Items permits the applicant to either: (1) promptly establish prior receipt in the PTO of the omitted item at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted item in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the omitted item was in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted item in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted item with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such item 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)).

Finally, the third option is in the absence of electing options 1) or 2) above, to

constructively opt to accept the filing date which has been accorded with the papers filed upon application. With option 3), no petition under 37 CFR 1.182 is necessary for that purpose.

Since applicant neither admits nor denies that page 14 was present upon filing , it appears that applicant is constructively electing to have the application accepted as filed on December 21, 2004 without page 14 of the specification.

The copy of page 14 of the specification supplied with the present petition will not be used for processing or examination, but will be retained in the application file. Petitioner may file a preliminary amendment. If page 14 of the specification is filed as a preliminary amendment, the amendment will be reviewed for new matter.

As the evidence presented is not sufficient to prove that page 14 of the specification was filed with the application when filed, the evidence is insufficient to show that the error was committed by the USPTO and thus, the petition fee will not be refunded.

This matter is being referred to the Office of Initial Patent Examination wherein that office will be notified to process the application without page 14 of the specification.

Any further concerns specific to this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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Eric Mirabel
Bioarray Solutions
35 Technology Drive
Warren NJ 07059

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AUG 1 1 2005

OFFICE OF PETITIONS

In re Application of :
Banerjee et al. :
Application No. 11/018,545 : DECISION DISMISSING PETITION
Filed: December 21, 2004 :
Attorney Docket No. MAMA-C1 :
Title of Invention: Looped Probe Design to Control Hybridization Stringency :

This is a decision on the petition filed June 20, 2005, requesting in effect, that a Notice to File Missing Parts in a Nonprovisional Application ("Notice") mailed May 18, 2005, be withdrawn.

The petition is dismissed.

The application was filed on December 21, 2004. However, on May 18, 2005, the Office of Initial Patent Examination (OIPE) mailed a Notice to File Missing Parts which contained an Omitted Items section stating that the application had been accorded a filing date of December 21, 2004 and advising applicant that page 14 of the specification appeared to have been omitted. The Notice also required replacement drawings.

In response, the present petition was filed. The petition is accompanied by a copy of page 14 of specification (description and claims).

The mailing of a "Notice of Omitted Items" permits the applicant to either: (1)promptly establish prior receipt in the PTO of the items at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted items in

a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the missing items were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted items in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted items with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the "notice of Omitted Items" (37 CFR 1.181(f)).

In this case, petitioners neither assert that the missing pages were actually deposited in the PTO on December 21, 2004, with the other application papers nor request a later filing date.

Instead, applicants seek to add the pages of the specification to the present application on the basis that the pages are not new matter. However, no petition is necessary for that purpose. Additional pages of the specification may be entered by the primary examiner without a petition so long as the pages contain no new matter. See MPEP 608.02(a).

However, Petitioner may submit page 14 of the specification in the form of an Amendment. Additional pages of the specification may be entered by the primary examiner without a petition so long as the pages contain no new matter. MPEP 201.06 (c) states that:

> ... an applicant may incorporate by reference the prior application by including, in the application-as-filed, a statement that such specifically enumerated prior application or applications are "hereby incorporated herein by reference." The statement may appear in the specification or in the application transmittal letter. The inclusion of this incorporation by reference of the prior application(s) will permit an applicant to amend the continuing application to include any subject matter in such prior application(s), <u>without the need for a petition</u>. (emphasis supplied)

Page 14 of the specification will not be new matter if it is part of the disclosure of prior application no. 10/204,799 from which

the present application incorporates by reference. As set forth in MPEP 201.06 (c)the incorporation by reference of a prior application permits an applicant to amend the application without the need for a petition. Accordingly, applicant may file an Amendment requesting the entry of page 14 of the specification. If the request for entry of page 14 of the specification is filed as an amendment, it will be reviewed for new matter.

Page 14 of the specification submitted on June 20, 2005 will not be entered.

Deposit account 50-2088 is being charged the $400.00 petition fee.

The Office acknowledges receipt of the replacement drawings.

The application will be returned to the Office of Initial Patent Examination for further processing with a **filing date of December 21, 2004**, using the papers supplied on that date.

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 04/20/2010

Applicant	: Yoshio Tani	: DECISION ON REQUEST FOR
Patent Number	: 7579065	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/018,547	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **284** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MICHAEL, BEST & FRIEDRICH LLP
100 EAST WISCONSIN AVENUE
SUITE 3300
MILWAUKEE, WI 53202

Mail Date: 04/21/2010

Applicant	: Bengt Ivar Anders Ivarsson	: DECISION ON REQUEST FOR
Patent Number	: 7631396	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/018,552	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1312** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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NANOSYS INC.
2625 HANOVER ST.
PALO ALTO, CA 94304

Mail Date: 04/20/2010

Applicant	: Xiangfeng Duan	: DECISION ON REQUEST FOR
Patent Number	: 7595528	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/018,572	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **367** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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ALSTON & BIRD LLP
PIONEER HI-BRED INTERNATIONAL, INC.
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

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In re Application of	:	
Abad et al.	:	
Application No. 11/018,615	:	DECISION ON PETITION
Filed: December 21, 2004	:	
Attorney Docket No. 035718/285985	:	

This is a decision on the petition under 37 CFR 1.182, filed August 22, 2007 to change the order of the names of the inventors.

The petition is **GRANTED**.

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

The $400 fee for the petition under 37 CFR 1.182 has been received.

This application is being referred to Technology Center AU 1638 for examination in due course.

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

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/018,615	12/21/2004	1638	1700	035718/285985	16	4

CONFIRMATION NO. 1976

CORRECTED FILING RECEIPT

29122
ALSTON & BIRD LLP
PIONEER HI-BRED INTERNATIONAL, INC.
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

OC000000027489869

Date Mailed: 12/31/2007

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Andre R. Abad, W. Des Moines, IA;
Ronald D. Flannagan, Grimes, IA;

Assignment For Published Patent Application

E.I du Pont de Nemours and Company, Wilmington, DE

Power of Attorney: The patent practitioners associated with Customer Number 29122

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/531,807 12/22/2003

Foreign Applications

If Required, Foreign Filing License Granted: 01/28/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/018,615**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Bacillus thuringiensis Cry9 nucleic acids

Preliminary Class

800

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

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

In re Application of
Ari Aarnio et al.
Application No. 11/018,618
Filed: December 21, 2004
Attorney Docket No. 042933/276281

: DECISION ON APPLICATION
:FOR PATENT TERM ADJUSTMENT

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN NOTICE OF ALLOWANCE (37 C.F.R. § 1.705) WITH STATEMENT OF THE CORRECT PATENT TERM ADJUSTMENT BASIS(ES) UNDER § 1.702 FOR THE ADJUSTMENT" filed April 8, 2009. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from one hundred eleven (111) days to one hundred sixty-seven (167) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is one hundred sixty-seven **(167)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On January 21, 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 one hundred eleven (111) days. On April 8, 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 one hundred sixty-seven (167) days. Applicants dispute the reduction of fifty-six (56) days attributed to applicant for failing to respond within one month to the Restriction Requirement mailed October 18, 2007.

The Office initially determined a patent term adjustment of one hundred eleven (111) days based on an adjustment for PTO delay of two hundred twenty-four (224) 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 one hundred thirteen (113) days pursuant to 35 U.S.C. 154(b)(2)(C)(ii) and 37 C.F.R. § 1.704(b). The adjustment of 224 days has been reviewed and found to be correct. The reduction of fifty-six (56) days of applicant delay is at issue.

Applicants dispute the entry of a period of reduction of 56 days for applicants taking in excess of one month to respond to the Restriction Requirement mailed October 18,

[1] PALM records indicate that the Issue Fee was received in the Office on April 8, 2009.

2007. Applicants argue that the Restriction Requirement mailed October 18, 2007 was withdrawn, was replaced with a second Restriction Requirement mailed February 28, 2008 and the period for reply was restarted.

Applicants specifically state that the patent issuing from the application is not subject to a terminal disclaimer.

A review of the application history reveals that applicants are correct. Any delay should be calculated based on the date of the Restarted Response Period and not based on the date of the mailing of the original Office action. As applicant's response was received within three months of the Letter Restarting Period for Response (the re-mailed Office action), there was no applicant delay within the meaning of 37 CFR § 1.704(b).

In view thereof, it is concluded that applicants did not fail to engage in reasonable efforts to conclude processing or examination of the application by delaying in replying to the Restriction Requirement by 56 days. Accordingly, the period of reduction of 56 days is being removed.

The correct patent term adjustment at the time of the mailing of the Notice of Allowance is one hundred sixty-seven (167) days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The Office of Data Management has been advised of this decision. The application is, thereby, forwarded to the Office of Data Management to await payment of the issue fee. 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 Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Nancy Johnson for

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

Enclosure: Copy of Revised PALM Screen

Day : Thursday
Date: 9/17/2009

PALM INTRANET

Time: 18:45:29

PTA Calculations for Application: 11/018618			
Application Filing Date:	12/21/2004	PTO Delay (PTO):	224
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	113
Post-Issue Petitions:	0	Total PTA (days):	167
PTO Delay Adjustment:	56		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
76	09/17/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	56		
68	01/21/2009	MAIL NOTICE OF ALLOWANCE			
67	01/16/2009	ISSUE REVISION COMPLETED			
66	01/16/2009	DOCUMENT VERIFICATION			
65	01/16/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
64	01/16/2009	CASE DOCKETED TO EXAMINER IN GAU			
63	01/08/2009	EXAMINER'S AMENDMENT COMMUNICATION			
62	01/08/2009	NOTICE OF ALLOWABILITY			
61	10/16/2008	DATE FORWARDED TO EXAMINER			
60	09/24/2008	RESPONSE AFTER NON-FINAL ACTION			
59	07/22/2008	MAIL NON-FINAL REJECTION	8		56
58	07/21/2008	NON-FINAL REJECTION			
57	05/07/2008	DATE FORWARDED TO EXAMINER			
56	03/14/2008	RESPONSE AFTER NON-FINAL ACTION		56	47
55	02/28/2008	MAIL NOTICE OF RESTARTED RESPONSE PERIOD			
54	02/19/2008	LETTER RESTARTING PERIOD FOR RESPONSE (I.E. LETTER RE: REFERENCES)			
51	11/13/2007	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
50	11/13/2007	MAIL NOTICE OF RESTARTED RESPONSE PERIOD			
49	11/13/2007	LETTER RESTARTING PERIOD FOR RESPONSE (I.E. LETTER RE: REFERENCES)			
48	11/01/2007	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
47	10/18/2007	MAIL NON-FINAL REJECTION	112		42

46	10/15/2007	NON-FINAL REJECTION			
45	09/11/2007	DATE FORWARDED TO EXAMINER			
44	02/28/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
43	09/11/2007	DATE FORWARDED TO EXAMINER			
42	02/28/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)		57	28
41	09/11/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
40	02/28/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
39	03/08/2007	DATE FORWARDED TO EXAMINER			
38	02/28/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
37	02/28/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
33	02/28/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
32	02/07/2007	MAIL ADVISORY ACTION (PTOL - 303)			
31	02/05/2007	ADVISORY ACTION (PTOL-303)			
30	01/18/2007	DATE FORWARDED TO EXAMINER			
29	01/03/2007	AMENDMENT AFTER FINAL REJECTION			
28	10/02/2006	MAIL FINAL REJECTION (PTOL - 326)			
27	09/29/2006	FINAL REJECTION			
26	07/14/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
25	07/28/2006	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
24	07/17/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
23	07/20/2006	DATE FORWARDED TO EXAMINER			
22	07/18/2006	RESPONSE AFTER NON-FINAL ACTION			
21.7	07/14/2006	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
21	07/14/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	06/05/2006	MAIL NON-FINAL REJECTION	104		-1
19	05/30/2006	NON-FINAL REJECTION			
18	04/14/2006	CASE DOCKETED TO EXAMINER IN GAU			
17	03/22/2006	CASE DOCKETED TO EXAMINER IN GAU			
16	09/16/2005	CASE DOCKETED TO EXAMINER IN GAU			

15	08/30/2005	CASE DOCKETED TO EXAMINER IN GAU			
14	06/14/2005	CASE DOCKETED TO EXAMINER IN GAU			
13	05/05/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
12	12/21/2004	PRELIMINARY AMENDMENT			
11	05/05/2005	CASE DOCKETED TO EXAMINER IN GAU			
10	02/05/2005	APPLICATION RETURN FROM OIPE			
9	02/07/2005	APPLICATION IS NOW COMPLETE			
8	02/05/2005	APPLICATION RETURN TO OIPE			
7	02/05/2005	APPLICATION RETURN FROM OIPE			
6	02/05/2005	APPLICATION RETURN TO OIPE			
5	02/05/2005	APPLICATION DISPATCHED FROM OIPE			
4	02/07/2005	APPLICATION IS NOW COMPLETE			
3	01/26/2005	CLEARED BY OIPE CSR			
2	01/20/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	12/21/2004	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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400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

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OFFICE OF PETITIONS

In re Application of	:	
PAAUWE, et al.	:	
Application No. 11/018,629	:	DECISION GRANTING PETITION
Filed: December 21, 2004	:	UNDER 37 CFR 1.313(c)(1)
Attorney Docket No. 67,097-211; EH-11477	:	

This is a decision on the petition under 37 CFR 1.313(c), filed November 28, 2006, to withdraw the above-identified application from issue after payment of the issue fee. The instant petition is being treated as a petition filed under 37 CFR 1.313(c)(1).

The petition is **GRANTED**.

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

(1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;

(2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or

(3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

The petition complies with the requirements of 37 CFR 1.313(c)(1). Accordingly, the above-identified application is withdrawn from issue.

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

Telephone inquiries should be directed to Patricia Volpe at (571) 272 6825.

The application is being referred to Technology Center AU 3748 for consideration of the concurrently filed Amendment and Information Disclosure Statement submitted with the petition.

Frances Hicks
Petitions Examiner
Office of Petitions

---

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

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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
11/018,644	12/20/2004	1712	3275	5010387-2		107	9

CONFIRMATION NO. 1151

CORRECTED FILING RECEIPT

OC000000015923295

21129
SPENCER, FANE, BRITT & BROWNE
1000 WALNUT STREET
SUITE 1400
KANSAS CITY, MO 64106-2140

Date Mailed: 05/02/2005

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)

Remi Briand, Overland Park, KS;
J. Alisa Duncan, Parkville, MO;
Yves Floriot, Montreal, CANADA;
Jennifer S. McGreal, Kansas City, MO;

Assignment For Published Patent Application

Tnemec Company, Inc.

Power of Attorney: The patent practitioners associated with Customer Number **21129**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/31/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/018,644

Projected Publication Date: 06/22/2006

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Waterborne epoxy coating composition and method

Preliminary Class

525

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

GRANTED

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

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

SCULLY, SCOTT, MURPHY & PRESSER
Ste. 300
400 Garden City Plaza
Garden City NY 11530

In re Patent No. 7,221,543	:	
Issue Date: May 22, 2007	:	
Application No. 11/018,692	:	ON PETITION
Filed: December 21, 2004	:	
Attorney Docket No. 13982Z	:	

This is a decision on the petition filed July 6, 2007, which is being treated as a request under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **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) 272-3205. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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JUN 30 2008

THOMAS SPINELLI
SCULLY, SCOTT, MURPHY & PRESSER
400 GARDEN CITY PLAZA
GARDEN CITY NY 11530

In re Application of	:	
Tetsuo Minai et al	:	
Application No. 11/018,693	:	DECISION GRANTING PETITION
Filed: December 21, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 18531	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 30, 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 May 21, 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 3735 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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SUITE 800
WASHINGTON, DC 20037

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OFFICE OF PETITIONS

In re Application of	:
Lionel Provost et al	:
Application No. 11/018,696	: DECISION NOTING JOINDER OF
Filed: December 22, 2004	: INVENTOR AND PETITION
For: DISPERSION MANAGED HOM	: UNDER 37 CFR 1.47(a) MOOT
MULTIMODE OPTICAL FIBRE	:

This is a decision on the petition under 37 CFR 1.47(a), filed August 2, 2005. Papers filed on October 6, 2005 included a Declaration signed by the previously nonsigning inventor Isabelle Bongrand 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 matter is being referred to Technology Center AU 2883 for examination in due course.

Inquiries related to this decision may be addressed to Wan Laymon at (571) 272-3220.

Frances Hicks
Lead Petitions Examiner
Office of Petitions

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SEARS TOWER
CHICAGO IL 60606

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OFFICE OF PETITIONS

In re Application of	:	
Sang Deok **KIM**	:	
Application No. 11/018,698	:	DECISION GRANTING PETITION
Filed: December 21, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 29936/40716	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 22, 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 February 7, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2891 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Karen Creasy

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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Huntley & Associates
1105 North Market Street
P.O Box 948
Wilmington, DE 19899-0948

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OFFICE OF PETITIONS

In re Application of	:	
Shuhei Noda	:	
Application No. 11/018,721	:	DECISION ON PETITION
Filed: December 20, 2004	:	TO WITHDRAW
Attorney Docket No. Hokushin-7	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed March 27, 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 attorneys/agents associated with customer number 54884. 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 the Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request do not meet any the conditions set forth in 37 CFR 10.40.

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

Telephone inquiries concerning this decision should be directed to Charles Smoot 571-272-3299.

David Bucci
Petitions Examiner
Office of Petition

Cc: GOMEZ INTERNATIONAL PATENT OFFICE, LLC
1501 N. RODNEY STREET
SUITE 101
WILMINGTON DE 19806

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VALEO CLIMATE CONTROL CORP.
INTELLECTUAL PROPERTY DEPARTMENT
4100 NORTH ATLANTIC BOULEVARD
AUBURN HILLS, MI 48326

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OFFICE OF PETITIONS

In re Application of	:	
Takano, Akihiko	:	DECISION ON PETITION
Application No. 11/018,728	:	TO WITHDRAW
Filed: December 20, 2004	:	FROM RECORD
Attorney Docket No. TJP0390	:	

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

The request is **APPROVED**.

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

The request was signed by Thomas P. Liniak.

Thomas P. Liniak has been withdrawn as attorney of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There is an outstanding Office action mailed December 20, 2005 that requires a reply.

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

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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LEWIS, RICE & FINGERSH, LC
ATTN: BOX IP DEPT.
600 Washington Ave.
Suite 2500
ST LOUIS, MO 63101

Mail Date: 04/20/2010

Applicant	: Jose Sasian	: DECISION ON REQUEST FOR
Patent Number	: 7420657	: RECALCULATION of PATENT
Issue Date	: 09/02/2008	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/018,742	: OF WYETH
Filed	: 12/20/2004	:
		:

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

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

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

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

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

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

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

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

or

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

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

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

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

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

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GKN DRIVELINE NORTH
AMERICA, INC
3300 UNIVERSITY DRIVE
AUBURN HILLS MI 48326

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DEC 07 2007

OFFICE OF PETITIONS

In re Application of

Campbell, et al.

Application No. 11/018,763

Filed: December 21, 2004

Attorney Docket No. G00338/US

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed October 30, 2007.

The petition is **granted**.

This application was held abandoned June 29, 2007, after no reply was received to the final Office action mailed March 28, 2007. The notice set forth a shortened statutory period of reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on June 29, 2007. A Notice of Abandonment was mailed October 26, 2007. The instant petition was filed on October 30, 2007. Petitioner maintains that the final Office action was never received.

A review of the application file history reveals that the final Office action was returned to the USPTO in April 2, 2007 and that the envelope containing the final Office action had no mailing address. The evidence is convincing that petitioner did not receive the final Office action. The petition is granted. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to Technology 3600, GAU 3679 for further processing that may include remailing the final Office action and resetting of the period for reply.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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JUL 28 2005

In re Application of	:	
Byron Peterson	:	
Serial No. 11/018,769	:	DECISION ON PETITION
Filed: December 20, 2004	:	TO MAKE SPECIAL
For: BLOCK HOIST	:	

Applicant's petition, filed March 3, 2005, requests that this application be rendered special for examination in that applicant is over sixty-five (65) years of age.

The petition has been reviewed and is found to be in compliance with the requirements for special status as set forth in Section 708.02(IV) of the Manual of Patent Examining Procedure (MPEP).

PETITION GRANTED.

Frederick R. Schmidt, Director
Technology Center 3700

Jacques M. Dulin, Esq.
Innovation Law Group, Ltd.
224 W. Washington Street, Suite 201
Sequim, WA 98382-3338

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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MAY 17 2007

OFFICE OF PETITIONS

In re Application of	:
Joseph A. Zupanick	:
Application No. 11/018,775	: DECISION GRANTING PETITION
Filed: December 21, 2004	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 17601-117001	:

This is a decision on the petition, filed May 16, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 8, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 3672 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 10/23/06

TO SPE OF : ART UNIT 2876

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/018789 Patent No.: 7055741 B2

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

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

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

Virginia Tolbert
Certificates of Correction Branch

703-308-9390 ext. 113

Thank You For Your Assistance

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

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

Comments: The requested changes/corrections have been reviewed and approved.

SPE

2876
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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FROM DIRECTORS OFFICE

MAY 3 1 2006

TECHNOLOGY CENTER 3600

MYERS BIGEL SIBLEY & SAJOVEC, P.A.
P.O. Box 37428
Raleigh, North Carolina 27627

In re Patent No. 6,974,049, Williams et al.	:	
Issue Date: December 13, 2005	:	**DECISION GRANTING**
Appl No.: 11/018,792	:	**PETITION**
Filed: December 21, 2004	:	*37 CFR 1.324*
For: SYSTEM AND METHOD FOR DISPENSING PRESCRIPTIONS	:	

This is a decision on the petition filed January 6, 2006, to correct inventorship under 37 CFR 1.324.

The petition is **granted**.

Certificate of Corrections Branch will be notified of this decision in order for a certificate naming only the actual inventor or inventors to be issued.

Katherine Matecki

Katherine Matecki
Supervisory Patent Examiner
Art Unit 3654
Technology Center 3600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DATE: May 19, 2006
TO: Certificates of Correction Branch
FROM: Katherine Matecki
SPE, Art Unit 3654
SUBJECT: REQUEST FOR CERTIFICATE OF CORRECTION

Please issue a Certificate of Correction in U. S. Letters Patent No. 6,974,049 as specified on the attached Certificate.

Katherine Matecki

Katherine Matecki, SPE
Art Unit 3654

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE

Patent No. 6,974,049
Patented: December 13, 2005

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without deceptive intent, improperly sets forth the inventorship by naming David Newcomb, Jess Eberdt, and Pete Klein as co-inventors. Accordingly, it is hereby certified that the correct inventorship of this patent is:

Jeffrey P. Williams, Richard Michelli, Jasper Pollard, and Simon Kelly

Katherine Matecki

Katherine Matecki
Supervisory Patent Examiner
Art Unit 3654

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Paper No.

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

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DEC 0 2 2005

OFFICE OF PETITIONS

In re Application of	:	
Perry Geremakis,	:	
Jennifer Grasso, David Knaack	:	
Jo-Wen Lin, Lawrence Shimp	:	
Robert Waterman and	:	
John Winterbottom	:	
Application No. 11/018,853	:	DECISION ON PETITION
Filed: December 20, 2004	:	
Atty Docket No. 2004367-0043	:	

This is a decision on the PETITION UNDER 37 C.F.R. § 1.47(a), filed September 6, 2005 (certificate of mailing September 1, 2005).

The above-identified application was filed on December 20, 2004, without an executed oath or declaration. Accordingly, on February 1, 2005, the Office mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring applicants to submit *inter alia* an executed oath or declaration and the surcharge under § 1.16(e) for its late filing. This Notice set a two month period for reply, with extensions of time obtainable under § 1.136(a).

Applicants replied filing the instant petition under § 1.47, with a declaration executed by joint inventors Geremakis, Grasso, Knaack, Shimp and Winterbottom on behalf of themselves and on behalf of non-signing inventors Lin and Waterman. Applicants state that status under § 1.47 is proper because inventors Lin and Waterman have, by their conduct, refused to join in the application. This reply was made timely by an

accompanying petition and fee for extension for response within the fifth month.

Accompanying the petition is a showing that the application papers were presented to inventors Lin and Waterman at their last known addresses by overnight and certified mail. In addition, the petition included a showing that neither inventor has responded to the request to execute the declaration.

The declaration and petition have been reviewed and found in compliance with the applicable provisions of §§ 1.47 and 1.63. The petition includes payment of the petition fee and the late surcharge. The last known addresses of the non-signing inventors are set forth in the petition. The petition includes adequate proof of the refusal of inventors Lin and Waterman to join in the application.

Accordingly, the petition is **GRANTED**.

This application is hereby accorded Rule 1.47(a) status.

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

The application will be examined in Technology Center AU 3738 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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ROBERT WATERMAN
115 PINEWOOD CIRCLE
NEW HOPE, PA 18938

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OFFICE OF PETITIONS

In re Application of	:	
Perry Geremakis,	:	
Jennifer Grasso, David Knaack	:	LETTER
Jo-Wen Lin, Lawrence Shimp	:	
Robert Waterman and	:	
John Winterbottom	:	
Application No. 11/018,853	:	
Filed: December 20, 2004	:	
Atty Docket No. 2004367-0043	:	

Dear Mr. Waterman:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Jo-Wen Lin
Sterling Apartment Homes
1815 JFK Boulevard
Apartment 531
Philadelphia, PA 19103

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DEC 0 2 2005

OFFICE OF PETITIONS

In re Application of	:	
Perry Geremakis,	:	
Jennifer Grasso, David Knaack	:	LETTER
Jo-Wen Lin, Lawrence Shimp	:	
Robert Waterman and	:	
John Winterbottom	:	
Application No. 11/018,853	:	
Filed: December 20, 2004	:	
Atty Docket No. 2004367-0043	:	

Dear Ms. Lin:

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

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

pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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

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Robert W. Mulcahy
Applied Materials, Inc.
Box 450A
Santa Clara, CA 95052

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JAN 0 3 2006

OFFICE OF PETITIONS

In re Application of
Murrell, et al.
Application No. 11/018,857
Filed: December 22, 2004
Attorney Docket No. 006252 USA

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed December 16, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

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

The above-identified application became abandoned for failure to reply to the Notice to File Missing Parts of Nonprovisional Application mailed March 14, 2005, which set a shortened period for reply of two (2) months from its mailing date. No response was received within the allowable period, and the application became abandoned on May 15, 2005.

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

[1] As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

[2] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer required by 37 CFR 1.137(c).

The instant petition lacks items (1) and (3).

The Commissioner is responsible for determining the standard for unavoidable delay and for applying that standard.

"In the specialized field of patent law, . . . the Commissioner of Patent and Trademarks is primarily responsible for the application and enforcement of the various narrow and technical statutory and regulatory provisions. The Commissioner's interpretation of those provisions is entitled to considerable deference."[3]

"[T]he Commissioner's discretion cannot remain wholly uncontrolled, if the facts **clearly** demonstrate that the applicant's delay in prosecuting the application was unavoidable, and that the Commissioner's adverse determination lacked **any** basis in reason or common sense."[4]

"The court's review of a Commissioner's decision is 'limited, however, to a determination of whether the agency finding was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.'"[5]
"The scope of review under the arbitrary and capricious standard is narrow and a court is not to substitute its judgment for that of the agency."[6]

The standard

"[T]he question of whether an applicant's delay in prosecuting an application was unavoidable must be decided on a case-by-case basis, taking all of the facts and circumstances into account."[7]

---

[3]Rydeen v. Quigg, 748 F.Supp. 900, 904, 16 U.S.P.Q.2d (BNA) 1876 (D.D.C. 1990), aff'd without opinion (Rule 36), 937 F.2d 623 (Fed. Cir.1991) (citing Morganroth v. Quigg, 885 F.2d 843, 848, 12 U.S.P.Q.2d (BNA) 1125 (Fed. Cir. 1989); Ethicon, Inc. v. Quigg 849 F.2d 1422, 7 U.S.P.Q.2d (BNA 1152 (Fed. Cir. 1988) ("an agency' interpretation of a statute it administers is entitled to deference"); see also Chevron U.S.A. Inc. v. Natural Resources Defence Council, Inc., 467 U.S. 837, 844, 81 L. Ed. 694, 104 S. Ct. 2778 (1984) ("if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute.")

[4]Commissariat A L'Energie Atomique et al. v. Watson, 274 F.2d 594, 597, 124 U.S.P.Q. (BNA) 126 (D.C. Cir. 1960) (emphasis added).

[5]Haines v. Quigg, 673 F. Supp. 314, 316, 5 U.S.P.Q.2d (BNA) 1130 (N.D. Ind. 1987) (citing Camp v. Pitts, 411 U.S. 138, 93 S. Ct.1241, 1244 (1973) (citing 5 U.S.C. §706 (2)(A)); Beerly v. Dept. of Treasury, 768 F.2d 942, 945 (7th Cir. 1985); Smith v. Mossinghoff, 217 U.S. App. D.C. 27, 671 F.2d 533, 538 (D.C. Cir.1982)).

[6]Ray v. Lehman, 55 F.3d 606, 608, 34 U.S.P.Q2d (BNA) 1786 (Fed. Cir. 1995) (citing Motor Vehicles Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43, 77 L.Ed.2d 443, 103 S. Ct. 2856 (1983)).

[7]Id.

The general question asked by the Office is: "Did petitioner act as a reasonable and prudent person in relation to his most important business?"[8] Nonawarness of a PTO rule will not constitute unavoidable delay.[9]

Application of the standard to the current facts and circumstances

In the instant petition, petitioner maintains that the circumstances leading to the abandonment of the application meet the aforementioned unavoidable standard and, therefore, petitioner qualifies for relief under 37 CFR 1.137(a). In support thereof, petitioner asserts that the Notice to File Missing Parts of Nonprovisional Application mailed March 14, 2005, was not received.

With regard to item (1) above, a proper response to the Notice to File Missing Parts of Nonprovisional Application was not found with the petition. The notice required payment of the filing fee, application search fee, examination fee, and a surcharge. The notice is enclosed for petitioner's convenience. A proper response to the notice must accompany any renewed petition filed.

With regard to item (3) above, the aforementioned argument of petitioner in support of petitioner's belief that the above-cited application was unavoidably abandoned is not persuasive. The reasons petitioner's argument must necessarily fail are addressed below.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* (MPEP) that requires the following:

> [t]he showing requires to establish nonreceipt of an Office communication must include a statement from the petitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practioner's statement.

Petitioner has not provided a copy of the relevant docket records. Any renewed petition filed must comply with the requirements of section 711.03(c) of the MPEP.

---

[8]See In re Mattulah, 38 App. D.C. 497 (D.C. Cir. 1912).

[9]See Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (Fed. Cir. 1982) (citing Potter v. Dann, 201 U.S.P.Q. (BNA) 574 (D.D.C. 1978) for the proposition that counsel's nonawarness of PTO rules does not constitute "unavoidable" delay)). Although court decisions have only addressed the issue of lack of knowledge of an attorney, there is no reason to expect a different result due to lack of knowledge on the part of a pro se (one who prosecutes on his own) applicant. It would be inequitable for a court to determine that a client who spends his hard earned money on an attorney who happens not to know a specific rule should be held to a higher standard than a pro se applicant who makes (or is forced to make) the decision to file the application without the assistance of counsel.

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee ($1,500.00 for a large entity and $750.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

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

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

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

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Copy of "Notice to File Missing Parts of Nonprovisional 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

Robert W. Mulcahy
Applied Materials, Inc.
Box 450A
Santa Clara, CA 95052

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MAR 24 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Murrell, et al. :
Application No. 11/018,857 :
Filed: December 22, 2004 :
Attorney Docket No. 006252 USA

This is a decision on the renewed petition under 37 CFR 1.137(a), filed March 6, 2006, to revive the above-identified application.

The renewed petition is **GRANTED.**

The above-identified application became abandoned for failure to reply to the Notice to File Missing Parts of Nonprovisional Application mailed March 14, 2005, which set a shortened period for reply of two (2) months from its mailing date. No response was received within the allowable period, and the application became abandoned on May 15, 2005. A petition under 37 CFR 1.137(a) was filed on December 16, 2005, and dismissed by a decision mailed January 3, 2006.

Petitioner has established that the Notice to File Missing Parts of Nonprovisional Application was not received.

The declaration and fees required by the Notice to File Missing parts of Nonprovisional Application are noted as having been received on March 3, 2006.

The file is now being forwarded to the Office of Initial Patent Examination for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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COURTNEY STANIFORD &
GREGORY LLP
P.O. BOX 9686
SAN JOSE CA 95157

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OFFICE OF PETITIONS

In re Application of	:	
Raman K. RAO, et al	:	
Application No. 11/018,862	:	DECISION ON PETITION
Filed: December 19, 2004	:	TO WITHDRAW
Attorney Docket No. IPHD.P035	:	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 22, 2009.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not the current address of: (1) the first named inventor; or (2) an assignee of the entire interest who has been properly made of record under 37 C.F.R 3.71.

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

Telephone inquiries 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
www.uspto.gov

COURTNEY STANIFORD & GREGORY LLP
10001 N. DE ANZA BLVD., SUITE 300
CUPERTINO CA 95014

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NOV 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Raman K. RAO, et al	:	
Application No. 11/018,862	:	DECISION ON PETITION
Filed: December 14, 2004	:	TO WITHDRAW
Attorney Docket No. IPHD.P035	:	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 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 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 Richard L. Gregory, Jr. on behalf of the attorneys of record associated with Customer Number 53186.

The attorneys of record associated with Customer Number 53186 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.

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

/Diane Goodwyn/
Petitions Examiner
Office of Petitions

cc: IP HOLDINGS, INC.
3099 ALEXIS DRIVE
PALO ALTO, CA 94304

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
11/018,862	12/19/2004	Raman K. Rao	IPHD.P035

CONFIRMATION NO. 8888

POWER OF ATTORNEY NOTICE

53186
COURTNEY STANIFORD & GREGORY LLP
10001 N. De Anza Blvd., Suite 300
Cupertino, CA 95014

OC000000038561867

Date Mailed: 11/02/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/14/2009.

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

/dcgoodwyn/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

IPHOLDINGS, INC.
3099 ALEXIS DRIVE
PALO ALTO CA 94304

MAILED

MAY 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Raman K. Rao et al	:	
Application No. 11/018,862	:	DECISION ON PETITION
Filed: December 19, 2004	:	
For: INTELLIGENT PERSONAL HEALTH	:	
MANAGEMENT APPLIANCES FOR THE	:	
MEASUREMENT AND MONITORING OF	:	
HEALTH FACTORS AND CONTROLLED	:	
DELIVERY OF DRUGS	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response/election; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the restriction requirement mailed September 9, 2009, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 3769 for appropriate action by the Examiner in the normal course of business on the reply received March 12, 2010.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MICHAEL P. MORRIS
BOEHRINGER INGELHEIM CORPORATION
900 RIDGEBURY ROAD
P. O. BOX 368
RIDGEFIELD CT 06877-0368

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SEP 18 2006
OFFICE OF PETITIONS

In re Application of :
Himmelsbach et al. :
Application No. 11/018,894 : ON PETITION
Filed: December 21, 2004 :

Attorney Docket No. 1/1610 :
Title of Invention: Bicycle Imidazole Derivatives, :
The Preparation Thereof and Their Use As
Pharmaceutical Compositions

This is a decision on the petition under 37 CFR §1.181 filed April 10, 2006 to withdraw the holding of abandonment.

The petition filed under 37 CFR 1.181 is **Granted**.

This above-identified application was held abandoned for failure to timely reply to the restriction requirement mailed August 10, 2005. The Restriction Requirement set a one (1) month shortened statutory period for reply. A reply was not received. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application was held abandoned on September 11, 2005. A Notice of Abandonment was mailed on March 2, 2006.

Petitioner maintains that a response to the Restriction Requirement was transmitted via facsimile on September 9, 2005. Petitioner acknowledges a typographical error resulted in the incorrect application being provided on the cover page . The response contained application number 10/018,894 rather than 11/018,894. Petitioner contends the rest of the cover page did contain the proper information. Further, the amendment did contain the correct art unit, name of the examiner, attorney docket number, confirmation number filing date and title of invention. In support of petitioner's contention that a response was timely submitted to the Office Action, petitioner has submitted a copy of a the Auto-Reply receipt, a copy of the sending unit's report

confirming transmission and a copy of the response which contains a certificate of transmission pursuant to 37 CFR 1.8.

The response submitted September 9, 2005 has not been located in the Office. Based on the facts stated in the instant petition and the corroborative evidence provided, it is concluded that the holding of abandonment was improperly imposed.

The requirements for a grantable petition under 37 CFR §1.181 have been met. This petition is hereby **Granted**.

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

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

Charlema R. Grant

Charlema R. Grant
Petition Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JONES, WALKER, WAECHTER, POITEVENT, CARRERE
& DENEGRE, L.L.P.
5TH FLOOR, FOUR UNITED PLAZA
8555 UNITED PLAZA BOULEVARD
BATON ROUGE LA 70809

COPY MAILED

JAN 23 2007

OFFICE OF PETITIONS

In re Application of
Miguel Pappolla et al.
Application No. 11/018,900
Filed: December 21, 2004
Attorney's Docket No. **11206-1**

ON PETITION

This is a decision on the petition filed December 26, 2006 under 37 CFR 1.137(b)[1], to revive the above-identified application.

The petition is **GRANTED**.

The instant application became abandoned on January 10, 2006, for failure to timely reply to the Notice to File Missing Parts, mailed November 8, 2005, which set a two (2) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed July 17, 2006.

The submission of the oath or declaration and late filing fee, as required by the Notice to File Missing Parts mailed November 8, 2005 is acknowledged.

All other requirements having been met , this application is being forwarded to the Office of Initial Patent Examination for further pre-examination processing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Lawrence Cruz
Conair Corporation
One Cummings Point Road
STAMFORD CT 06902

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JUL 15 2008

OFFICE OF PETITIONS

In re Application of :
Carrubba, et al. :
Application No. 11/018,902 : ON PETITION
Filed: December 21, 2004 :
Attorney Docket No. 1015/USX :
For: GARMENT STEAMER

This is a decision on the petition, filed April 25, 2008, under 37 CFR 1.137(b) to revive the above-identified application.

The above-identified application became abandoned for failure to timely submit a reply within one month of the mailing of the February 6, 2007 Notice of Non-Compliant Amendment (Notice). No response being received, this application became abandoned on March 7, 2007. A Notice of Abandonment was mailed on August 22, 2007.

Applicants have submitted an amendment/election in reply to the February 6, 2007 Notice, an acceptable statement of the unintentional nature of the delay in responding to the February 6, 2007 Notice, and the petition fee.

The petition is **GRANTED**.

After the mailing of this decision the application will be forwarded to Technology Center AU 1746 for consideration of the amendment/election filed on April 25, 2008.

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

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

MURRELL W. BLACKBURN
MERCHANT & GOULD P.C.
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

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MAR 09 2009

OFFICE OF PETITIONS

In re Application of :
Chad B. Rothschiller et al :
Application No. 11/018,912 : ON PETITION
Filed: December 20, 2004 :
Attorney Docket No.
60001.0447US01/MS#309878

This is a decision on the petition, filed March 6, 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 February 25, 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 2178 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).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 5/8/08

Paper No.: —

TO SPE OF : ART UNIT 2817

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/018924 Patent No: 7304555B2

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: The proposed changes would change the scope of the claim

SPE

2817
Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,304,555

APPLICATION NO.: 11/018,924

ISSUE DATE : December 4, 2007

INVENTOR(S) : Pingshan Wang, 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 Col. 10, lines 44-45
replace "on a layer of insulation,"
with "plurality of trenches formed in a layer of insulation to thereby form a planar surface for reception of said transmission line conductor,"

Do not enter
K. Klein
7/23/09

MAILING ADDRESS OF SENDER (Please do not use customer number below):
William A. Blake, Esq.
Jones, Tullar & Cooper, P.C.
P.O. Box 2266
Eads Station
Arlington, VA 22202

RECEIVED-USPTO
Publication
MAR - 4 2008

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

January 07, 2010

William A. Blake
Jones, Tullar & Cooper, P.C.
P.O. Box 2266
Eads Station
Arlington, VA 22202

Patent No: 7,304,555 B2
Application No: 11/018,924
Applicant: Pingshan Wang, et al.
Issued: December 4, 2007
Title: **PERMALLOY LOADED TRANSMISSION LINES FOR HIGH-SPEED INTERCONNECT APPLICATIONS**

Request for Certificate of Correction:

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

Respecting the alleged error in column 10, lines 44-45, per the examiner "changes to the claim would change the scope of the claim".

In view of the foregoing your request in these matters is hereby **denied**.

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

A certificate of correction will be issued to correct the remaining errors mentioned in your request.

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

vt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

January 7, 2010

William A. Blake, Esq.
Jones, Tullar & Cooper, P.C.
P.O. Box 2266
Eads Station
Arlington, VA 22202

Patent No: 7,304,555 B2
Application No: 11/018,924
Applicant: Pingshan Wang
Issued: December 4, 2007
Title: **PERMALLOY LOADED TRANSMISSION LINES FOR HIGH-SPEED INTERCONNECT APPLICATIONS**

Request for Certificate of Correction:

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

The error complained of in column 10, lines 44-45, cannot be corrected per examiner "the proposed changes would change the scope of the claim".

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

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

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

vt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COOK ALEX LTD
SUITE 2850
200 WEST ADAMS STREET
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Akira Shinjo	: DECISION ON REQUEST FOR
Patent Number	: 7601153	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/018,962	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1307** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COOK ALEX LTD
SUITE 2850
200 WEST ADAMS STREET
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Akira Shinjo	: DECISION ON REQUEST FOR
Patent Number	: 7601153	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/018,962	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1307** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.:20070404

DATE : April 4, 2007

TO SPE OF : ART UNIT 1625

SUBJECT : Request for Certificate of Correction on Patent No.: 7,173,042

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

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

Thank You For Your Assistance **Certificates of Correction Branch**

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

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: Thomas McKenzie **Art Unit** 1625

HA0743 DIV2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF
YINGZHI BI, ET AL
PATENT NO: **7173042**
FILED: **12/21/2004**
FOR: **QUINOLINE INHIBITORS OF cGMP PHOSPHODIESTERASE**

FILED VIA USPTO EFS-WEB
Certificate of Corrections Branch
Commissioner for Patents
PO BOX 1450
Alexandria. VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT
FOR PTO MISTAKE (37 C.F.R.§1.322(a))

Sir:

Attached is Form PTO-1050 which is suitable for printing.

In Claim 2, Column 83, line 17, please delete "teat" and insert -- are at --.

In that this error was incurred by the Office, no fee is believed to be due. If any fee not accounted for is due in connection herewith, please charge such fee to Deposit Account No. 19-3880 of the undersigned.

Please send the Certificate to the address associated with customer account number 23914.

Please enter 3rd 4/4/07

Respectfully submitted,

/joseph c wang/
Joseph C. Wang
Attorney for Applicant
Reg. No. 44,391

Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
Princeton, NJ 08543-4000
Phone: 609-252-4931
Date: March 1, 2007

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. : 7173042

APPLICATION NO.: 11/018968

ISSUE DATE : 06/FEB/2007

INVENTOR(S) : BI YINGZHI, YU GUIXUE, ROTELLA DAVID P., MACOR JOHN E.

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

In Claim 2, Column 83, line 17, please delete "teat" and insert – are at –.

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

Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
Princeton, NJ 08543-4000

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BRACEWELL & GIULIANI LLP
P.O. BOX 61389
HOUSTON TX 77208-1389

MAILED

APR 1 1 2009

OFFICE OF PETITIONS

In re Application of :
Marc DUBOIS et al. :
Application No. 11/018,994 : ON PETITION
Filed: December 21, 2004 :
Attorney Docket No. TA-00642 :

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 6, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 7, 2007.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee of $1540; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of November 6, 2007 is accepted as having been unintentionally delayed.

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

The application file is being referred to Technology Center AU 2886 for appropriate action on the concurrently filed amendment.

David A. Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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BRACEWELL & GIULIANI LLP
P.O. BOX 61389
HOUSTON, TX 77208-1389

Mail Date: 04/20/2010

Applicant	: Marc Dubois	: DECISION ON REQUEST FOR
Patent Number	: 7576848	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/018,994	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **666** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

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OCT 3 1 2007

OFFICE OF PETITIONS

In re Application of	:	
Ana Lucia Iacono, et al.	:	
Application No. 11/018,998	:	DECISION ON PETITION
Filed: December 22, 2004	:	
Attorney Docket No. I-2-0714.1US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 15, 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 June 7, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed March 7, 2007. Accordingly, the date of abandonment of this application is June 8, 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 $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 undersigned at (571) 272-1642.

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

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GIFFORD, KRASS, SPRINKLE,
ANDERSON &CITKOWSKI, P.C.
PO BOX 7021
TROY, MI 48007-7021

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DEC 14 2007

OFFICE OF PETITIONS

In re Application of	:	
Jeffrey MAXWELL, et al	:	
Application No. 11/019,020	:	DECISION ON PETITION
Filed: December 21, 2004	:	
Attorney Docket No. GAP-12202/16	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 28, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, February 21, 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 May 22, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $750; and (3) an adequate statement of unintentional delay.

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

This application is being referred to Technology Center AU 1751 for appropriate action by the Examiner in the normal course of business on the reply received September 28, 2007.

April Wise
Petitions Examiner
Office of Petitions

11/019037

Cofe

Practitioner's Docket No. 20040472-US-NP (XCP-053) *PATENT*

OIPE JUL 30 2008 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Number: 7,125,495
Issued: 10/24/2006
Name of Patentee: Robert A. Street, et al.
Title of Invention: LARGE AREA ELECTRONIC DEVICE WITH HIGH AND LOW RESOLUTION PATTERNED FILM FEATURES

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

REQUEST TO CORRECT ASSIGNEE UNDER 37 C.F.R. § 3.81(b)

1. Applicant inadvertently entered the incorrect assignee name on Form PTOL-85B. Applicant respectfully requests correction of the assignee name on the above-referenced patent. Please amend to: Palo Alto Research Center Incorporated.

2. Attached is a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame numbers where the assignment is recorded in the name of Palo Alto Research Center Incorporated.

3. Attached is a copy of the Request for Certificate of Correction filed July 7, 2008. Applicant respectfully requests that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if this Request is granted. Please send Certificate to the undersigned at Customer No.: 22888.

4. **FEE PAYMENT and DEFICIENCY:** A $100 fee was previously submitted for consideration of a Request for Certificate of Correction under CFR 1.323 to correct assignment data. Please charge Deposit Acct. 50-0574 if any additional fees are required.

Date: July 28, 2008

Signature of Practitioner

Reg. No.: 33,834
Tel. No.: 408-451-5902
Customer No.: 33726

Patrick T. Bever
BEVER, HOFFMAN & HARMS, LLP
2099 Gateway Place, Suite 320
San Jose, CA 95110

JUL 30 2008
PATENT & TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUNE 09, 2005

PTAS

102904324A

PATRICK T. BEVER, ESQ.
BEVER, HOFFMAN & HARMS, LLP
2099 GATEWAY PLACE, SUITE 320
SAN JOSE, CA 95110-1017

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES DIVISION, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 12/20/2004

REEL/FRAME: 016112/0440
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).
DOCKET NUMBER: 20040472-US-NP(XCP-053)

ASSIGNOR:
STREET, ROBERT A. DOC DATE: 12/17/2004

ASSIGNOR:
WONG, WILLIAM S. DOC DATE: 12/20/2004

ASSIGNOR:
SALLEO, ALBERTO DOC DATE: 12/17/2004

ASSIGNOR:
CHABINYC, MICHAEL L. DOC DATE: 12/17/2004

ASSIGNEE:
PALO ALTO RESEARCH CENTER
INCORPORATED
3333 COYOTE HILL ROAD
PALO ALTO, CALIFORNIA 94304

SERIAL NUMBER: 11019037 FILING DATE: 12/20/2004
PATENT NUMBER: ISSUE DATE:
TITLE: LARGE AREA ELECTRONIC DEVICE WITH HIGH AND LOW RESOLUTION PATTERNED FILM FEATURES

JOANN STEWART, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

12·20·04

Form PTO-1595 (Rev. 06/04)
OMB No. 0651-0027 (exp. 6/30/2005)

01-05-2005

U.S. DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Atty. Dkt.. No.: 20040472-US-NP (XCP-053)

REC(ET

102904324

To the Director of the United States Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies)/Execution Date(s):

STREET, Robert A;
WONG, William S.;
SALLEO, Alberto; and
CHABINYC, Michael L.

Execution Date(s): 12/17/2004, 12/20/2004, 12/17/2004, 12/17/2004

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies):

Name: **Palo Alto Research Center Incorporated**

Internal Address:

Street Address: 3333 Coyote Hill Road

City/State: Palo Alto, CA

Country: US Zip: 94304

Additional name(s) & address(es) attached? ☐ Yes ☒ No

17548 U.S.PTO 11/019037 122004

3. Nature of conveyance:

☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Government Interest Assignment
☐ Executive Order 9424, Confirmatory License
☐ Other:_____

4. Application or patent number(s):

☒ This document is being filed together with a new application.

A. Patent Application No.(s):

B. Patent No.(s):

Additional numbers attached? ☐ Yes ☒ No

5. Name and address to whom correspondence concerning document should be mailed:

Name: Patrick T. Bever, Esq.
Address: Bever, Hoffman & Harms, LLP
Street Address: 2099 Gateway Place, Suite 320
City/State: San Jose CA Zip: 95110-1017
Phone Number: (408) 451-5902
Fax Number: (408) 451-5908
Email Address: pbever@beverlaw.com

6. Total number of applications and patents involved: [1]

7. Total fee (37 CFR 1.21 (h) & 3.41) $40.00

☐ Authorized to be charged by credit card
☒ Authorized to be charged to deposit account
☐ Enclosed
☐ None required (government interest not affecting title)

8. Payment Information

a. Credit Card Last 4 Numbers _____
Expiration Date _____

b. Deposit account number: 24-0037
(Attorney Docket No.: 20040472-US-NP)
Authorized User: Patrick T. Bever, Esq.

9. Signature.

01/05/2005 BTON11 00000026 240037 11019037
01 FC:8021 40.00 DA

Patrick T. Bever		12/20/2004
Name of Person Signing	Signature	Date

Total number of pages including cover sheet, attachments, and documents: [2]

Documents to be recorded (including cover sheet) should be faxed to; (703) 306-5995, or mailed to;
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

ASSIGNMENT

Attorney Docket No.: D/20040472-US-NP
(OC Dkt. No.: XCP-053)

The undersigned is/are the named inventor(s) (the "Inventor(s)") on a United States patent application entitled "**LARGE AREA ELECTRONIC DEVICE WITH HIGH AND LOW RESOLUTION PATTERNED FILM FEATURES**" (the "Application") for inventions disclosed or claimed therein (the "Invention(s)"), which Application:

- ☒ is being executed concurrently herewith,
- ☐ was first executed on
- ☐ was filed on as Application Number .
- ☐ claims the benefit of U.S. Provisional Application(s) No(s). / filed .

Palo Alto Research Center Incorporated, a Delaware corporation, on behalf of itself, its successors and assigns, and its legal representatives ("PARC"), is entitled to all rights in the Application and the Invention(s), and the full cooperation of the Inventor(s).

For valuable consideration, the receipt of which is hereby acknowledged, the Inventor(s) hereby sell(s), assign(s), and transfer(s) to PARC the entire and exclusive right, title and interest in the Application and the Invention(s), in and for the United States, its territories, and all foreign countries, including all applications, patents, design registrations and publications obtained or derived therefrom, world wide, and all priority rights under all present or future conventions and treaties, and any provisional applications for which priority is claimed in the Application; and

(1) request the U.S. Commissioner of Patents to issue all U.S. Letters Patent granted thereon to PARC;

(2) agree that PARC may apply for and receive all foreign Letters Patent thereon;

(3) agree to execute all papers and take all actions necessary or desirable in connection therewith requested by PARC; and

(4) authorize PARC to subsequently enter the Application Number on this Assignment, if not already entered above.

Robert Street — Date 12/17/04
Robert A. Street

William S. Wong — Date 12/20/04
William S. Wong

Alberto Salleo — Date 12/17/04
Alberto Salleo

Michael L. Chabinyc — Date 12/17/04
Michael L. Chabinyc

OIPE IAP17
JUL 30 2008
PATENT & TRADEMARK OFFICE

Practitioner's Docket No. 20040472-US-NP (XCP-053) ***PATENT***

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Number: 7,125,495
Issued: 10/24/2006
Name of Patentee: Robert A. Street, et al.
Title of Invention: LARGE AREA ELECTRONIC DEVICE WITH HIGH AND LOW RESOLUTION PATTERNED FILM FEATURES

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

COPY

REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT FOR APPLICANT'S MISTAKE (37 C.F.R. section 1.323)

1. It is noted that an error appears in this patent of a typographical nature or character, as more fully described below. It occurred in good faith. Correction thereof does not involve such changes in the patent as would constitute new matter or would require re-examination. A certificate of correction is requested.

2. Attached hereto is Form PTO-1050.

3. The exact page and line number where the error occurs in the application file are:

   In the Issue Fee Transmittal filed September 1, 2006, the assignee name was entered incorrectly by the applicant.

4. Please send the Certificate to the undersigned at Customer No.: 22888.

5. Please pay the fee required by 37 C.F.R. § 1.20(a), as follows:

   This document is being electronically filed and fees should be charged to our American Express credit card. Please charge any additional fees required by this paper or credit any overpayment in this matter to Deposit Account No. 50-0574 [Docket No. 20040472-US-NP (XCP-053)].

Date: July 7, 2008

Customer No.: 22888
Telephone No.: (408) 451-5902

Patrick T. Bever
Reg. No. 33,834
Bever, Hoffman & Harms, LLP

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 7,125,495

APPLICATION NO. : 11/019,037

DATED : 10/24/2006

INVENTOR(S) : Robert A. Street, et al.

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

Front Page, (73) Assignee, amend "Palo Alto Research Center, Inc." to -- Palo Alto Research Center Incorporated -- .

MAILING ADDRESS OF SENDER

Patrick T. Bever, Esq.
2099 Gateway Place, Suite 320
San Jose, CA 95110
Telephone: (408) 451-5902

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Xcp-053

Commissioner for Patents
United States Patent and Trademark Office
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JUL 30 2008
PATENT & TRADEMARK OFFICE

7/22/08

COPY

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JUL 24 2008
BEVER, HOFFMAN & HARMS

Patent No. : 7,125,495 B2
Application No : 11/019,037
Inventor(s) : Street, et al.
Issued : October 24, 2006
Title : LARGE AREA ELECTRONIC DEVICE WITH HIGH AND LOW RESOLUTION PATTERNED FILM FEATURES

Re: Request for Certificate of Correction

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

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

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

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
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.

Valerie Jackson
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 114

Patrick T. Bever, Esq.
2099 Gateway Place, Suite 320
San Jose, CA 95110

vj/MFD

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DAVID P. WOOD
DELPHI TECHNOLOGY, INC.
LEGAL STAFF
P.O. BOX 5052, MAIL CODE: 480-410-202
TROY MI 48007-5052

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DEC 08 2006
OFFICE OF PETITIONS

In re Application of	:	
Gary C. Detter et al	:	
Application No. 11/019,041	:	DECISION GRANTING PETITION
Filed: December 21, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. DP-309549	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 25, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee and publication fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance of March 13, 2006, is accepted as having been unintentionally delayed.

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

This matter is being referred to Patent Publication.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CA 94111-3834

COPY MAILED

OCT 27 2009

OFFICE OF PETITIONS

In re Application of Johnson :
Application No. 11/019,042 :
Filing Date: December 20, 2004 :
Attorney Docket No. 021756-087320US :

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(b), filed May 12, 2009, to revive the above-identified application.

The petition is **dismissed**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 21, 2008, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on November 22, 2008. A Notice of Abandonment was mailed on May 12, 2009.

The required fee for a large entity for a petition under 37 CFR 1.137(b) is $1,620. The petition field by a prior representative of record authorizes the Office to charge the fee to Deposit Account No. 50-3159. The deposit account currently contains a balance of less than $1,620. As a result, the Office cannot charge the fee to the deposit account.

The merits of a petition under 37 CFR 1.137 will not be considered absent payment of the required petition fee. The petition fee has not been paid in this case. Therefore, the Office will not consider the merits of the petition under 37 CFR 1.137(b) and the petition must be dismissed.

Any request for reconsideration must be accompanied by payment of the required petition fee and 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)."

Unless filed by EFS Web, further correspondence with respect to this matter should be addressed as follows:

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

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
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED
JAN 26 2010
OFFICE OF PETITIONS

In re Application of Johnson :
Application No. 11/019,042 :
Filing Date: December 20, 2004 :
Attorney Docket No. 021756-087320US :

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(b), filed May 12, 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 August 21, 2008, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on November 22, 2008. A Notice of Abandonment was mailed on May 12, 2009.

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.

As to item (1), petitioner has submitted a reply to the non-final Office action.

As to item (2), the petition fee of $1,620 has been charged to Deposit Account No. 50-3159 per the authorization in the petition.

As to item (3), 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.

As to item (4), a terminal disclaimer is unnecessary because the application is a utility application filed after June 8, 1995.

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 3696 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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MOTOROLA, INC.
1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG, IL 60196

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MAY 1 3 2005

OFFICE OF PETITIONS

In re Application of :
Mathis, et al. :
Application No. 11/019,067 :
Filed: December 21, 2004 :
Attorney Docket No. CM07307H :

ON PETITION

This is a decision on the papers styled, "Petition For Grant of Filing Date Under MPEP 601.01(f)," filed April 11, 2005, which has been treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of December 21, 2004, including page 16 of the specification.

The application was filed on December 21, 2004. However, on February 22, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice To File Corrected Application Papers" (Notice) that stated the application had been accorded a filing date, but page 16 of the specification appears to have been omitted.

In response, on April 11, 2005, the instant petition and a copy of page 16 of the specification were submitted. The instant petition is accompanied by a copy of applicant's postcard receipt that acknowledges receipt of twenty (20) pages of specification on December 21, 2004. A review of the application file indicates the presence of nineteen (19) pages of specification. It is assumed that page 16 of the specification was misplaced by the Office.

In view of the above, the petition is granted.

The petition fee, submitted April 11, 2005, will be refunded to deposit account no. 50-2117.

This application will be returned to OIPE for further processing with a filing date of December 21, 2004, using the copy of page 16 of the specification, supplied on April 11, 2005.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

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C/O GALASSO & ASSOCIATES, LP
P. O. BOX 26503
AUSTIN, TX 78755-0503

Mail Date: 04/21/2010

Applicant	: David Eckard	: DECISION ON REQUEST FOR
Patent Number	: 7580425	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/019,068	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1281** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE WI 53202-5306

In re Patent No. 7,608,360	:	
Rolf Wiepen	:	DECISION DISMISSING
Application No. 11/019,085	:	REQUEST FOR
Issue Date: October 27, 2009	:	RECONSIDERATION OF
Filed: December 21, 2004	:	PATENT TERM ADJUSTMENT
Attorney Docket No.	:	UNDER 37 CFR 1.705
069236-4823	:	

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705, filed on December 23, 2009. Patentee requests that the determination of patent term adjustment be corrected from six hundred ninety (690) days to one thousand twenty-six (1026) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand twenty-five (1025) 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 December 22, 2007 and ends on February 16, 2009, the day before the RCE was filed and is 423 (not 424) days. See 35 U.S.C. 154(b)(1)(B)(i). As such, the patent term adjustment is 1025, not 1026 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.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand twenty-five (1025)** days.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,608,360 B2

DATED : **October 27, 2009** **DRAFT**

INVENTOR(S) : Wiepen

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 690 days.

Delete the phrase "by 690 days" and insert – by 1025 days--

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MERCHANT & GOULD (MICROSOFT)
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

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JUN 17 2008

OFFICE OF PETITIONS

In re Application of	:	
Andrew Bishop, et. al.	:	
Application No. 11/019,088	:	ON PETITION
Filed: December 20, 2004	:	
Attorney Docket No.	:	
60001.0440US01/MS309861.1	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on October 16, 2007, to revive the above-identified application.

The application became abandoned for failure to file a reply to the non-final Office action mailed March 21, 2007. A Notice of Abandonment was mailed on October 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 $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 2163 for review of the amendment filed with the instant petition.

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

Andrea Smith
Petitions Examiner
Office of Petitions

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STOEL RIVES LLP - SLC
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY, UT 84111

Mail Date: 04/21/2010

Applicant	: Rod Gilchrist	: DECISION ON REQUEST FOR
Patent Number	: 7613172	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/019,092	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1349** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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
Shawn Alan Villaron et al
Application No. 11/019,095
Filed: December 21, 2004
Attorney Docket No.
60001.0446US01/MS309877.1

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 February 1, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 16, 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 2194 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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Arlington, VA 22203

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In re Application of	:	
Richard Anthony Borman et al.	:	
Application No. 11/019,133	:	DECISION ON PETITION
Filed: December 22, 2004	:	TO WITHDRAW
Attorney Docket No. 13849-7	:	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 15, 2008.

The request is **moot because a revocation of power of attorney has been previously filed.**

A review of the file record indicates that the power of attorney to B. J. Sadoff and all attorneys/agents of record has been revoked by the assignee of the patent application on October 23, 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: Brinks, Hofer, Gilson & Lione/Ann Arbor
524 South Main Street
Suite 200
Ann Arbor, MI 48104

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Brinks, Hofer, Gilson & Lione/Ann Arbor
524 South Main Street
Suite 200
Ann Arbor, MI 48104

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OFFICE OF PETITIONS

In re Application of :
Richard Anthony Borman et al. :
Application No. 11/019,133 : DECISION ON PETITION
Filed: December 22, 2004 : TO WITHDRAW
Attorney Docket No. 7054 : 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 29, 2009.

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 Brinks, Hofer, Gilson & Lione/Ann Arbor has been revoked by the assignee of the patent application on August 7, 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 until otherwise notified by applicant.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Honigman, Miller, Schwartz & Cohn, LLP
444 West Michigan Avenue
Kalamazoo, MI 49007-3714

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GLOBAL PATENT GROUP
ATTN: MS LAVERN HALL
10411 CLAYTON ROAD, SUITE 304
FRONTENAC, MO 63131

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In re Application of	:	
MALECHA, James W. et al.	:	
Application No. 11/019,146	:	DECISION ON PETITION
Filed: December 20, 2004	:	TO WITHDRAW
Attorney Docket No. **K0005-201-US**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 11, 2007.

The request is **NOT APPROVED**.

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, (transfer of representation by assignee/owner), do not meet any the conditions set forth in 37 CFR 10.40.

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

evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

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

T. Williams

Terri Williams
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

In re Application of	:	
Kuure et al.	:	
Application No.: 11/019225	:	DECISION ON
Filing or 371(c) Date: 12/23/2004	:	PETITION
Attorney Docket Number: 042933/373954	:	

This is a decision in response to the "Petition Under 37 C.F.R. 1.181 to Withdraw Holding of Abandonment in Accordance with MPEP § 711.03(c) and 1156 O.G. 53," filed March 10, 2010.

This Petition is dismissed.

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

Background

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed December 23, 2008. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). Applicant filed a reply to the Office action on April 8, 2009; however, the reply failed to place the application in condition for allowance. Applicant was so notified in a Notice in an Advisory Action, mailed April 27, 2009. No complete and proper reply having been received, the application became abandoned on April 9, 2009. A Notice of Abandonment was mailed January 21, 2010.

The present petition

Applicant files the present petition and asserts that a timely reply to the Office action - to wit, a Request for Contnued Examination ("RCE"), was filed on May 6, 2009, including an authorization to charge Applicant's deposit account any underpayment of fees. In support of this assertion, Applicant files a copy of a return-receipt postcard acknowledging receipt by this office of a RCE Transmittal on May 6, 2009. Applicant also files a copy of the RCE Transmittal.

A review of Office records reveals that this Office also received a check in the amount of $810.00 on May 6, 2009.

The applicable Rule, 37 CFR 1.114, Request for continued examination, provides:

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

The MPEP 706.07(h), Request for Continued Examination (RCE) Practice, Section II, SUBMISSION REQUIREMENT, provides:

> A "submission" as used in 37 CFR 1.114 includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. See 37 CFR 1.114(c). If a reply to an Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of 37 CFR 1.111. See 37 CFR 1.114(c). Thus, an applicant may file a submission under 37 CFR 1.114 containing only an information disclosure statement (37 CFR 1.97 and 1.98) in an application subject to a notice of allowance under 35 U.S.C. 151, but not in an application where the last Office action is a final rejection or an Office action under Ex parte Quayle, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935), or in an application that is under appeal. A request for a suspension of action, an appeal brief or a reply brief (or related papers) will not be considered a submission under 37 CFR 1.114. See 37 CFR 1.103 and 1.114(d). The submission, however, may consist of the arguments in a previously filed appeal brief or reply brief, or may simply consist of a statement that incorporates by reference the arguments in a previously filed appeal brief or reply brief. In addition, a previously filed amendment after final (whether or not entered) may satisfy this submission requirement.
> Arguments submitted after final rejection, which were entered by the examiner but not found persuasive, may satisfy the submission requirement if such arguments are responsive within the meaning of 37 CFR 1.111 to the Office action. Consideration of whether any submission is responsive within the meaning of 37 CFR 1.111 to the last outstanding Office action is done without factoring in the "final" status of such outstanding Office action. Thus, a reply which might not be acceptable as a reply under 37 CFR 1.113 when the application is under a final rejection may be acceptable as a reply under 37 CFR 1.111.

However, Section II(A), Treatment of Improper RCE, advises:

> If one or more conditions for filing an RCE have not been satisfied, applicant will be so notified. Generally, a "Notice of Improper Request for Continued Examination (RCE)," Form PTO-2051, will be mailed to applicant. An improper RCE will not operate to toll the running of any time period set in the previous Office action for reply to avoid abandonment of the application.

Further to this, the MPEP 706.07(h), Request for Continued Examination (RCE) Practice, Section V, AFTER FINAL REJECTION, cautions:

> If an applicant timely files an RCE with the fee set forth in 37 CFR 1.17(e) and a submission that meets the reply requirements of 37 CFR 1.111, the Office will withdraw the finality of any Office action to which a reply is outstanding and the submission will be entered and considered. See 37 CFR 1.114(d). The submission meeting the reply requirements of 37 CFR 1.111 must be timely received to continue prosecution of an application. *In other words, the mere request for, and payment of the fee for, continued examination will not operate to toll the running of any time period set in the previous Office action for reply to avoid abandonment of the application*. (Emphasis supplied).

37 CFR 1.135, Abandonment for failure to reply within time period, provides that

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment. (Emphasis supplied).
> (c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission. (Emphasis supplied).

MPEP 711.03(c)

Analysis/conclusion

In this instance, Applicant filed an RCE; however, Applicant failed to file a submission, and as such, the RCE was improper. Accordingly, the application was properly abandoned for failure to file a complete and proper reply to the Office action as the condition of the application required.

The petition is dismissed.

Alternate venue

Applicant is strongly urged to file 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 was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required fee.

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

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

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In re Application of	:	
Kuure et al.	:	CORRECTED
Application No.: 11/019225	:	DECISION ON
Filing or 371(c) Date: 12/23/2004	:	PETITION
Attorney Docket Number: 042933/373954	:	

This is a corrected decision[1] in response to the "Petition Under 37 C.F.R. 1.181 to Withdraw Holding of Abandonment in Accordance with MPEP § 711.03(c) and 1156 O.G. 53," filed March 10, 2010.

This Petition is dismissed.

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

Background

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed December 23, 2008. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). Applicant filed a reply to the Office action on April 8, 2009; however, the reply failed to place the application in condition for allowance. Applicant was so notified in a Notice in an Advisory Action, mailed April 27, 2009. No complete and proper reply having been received, the application became abandoned on April 9, 2009. A Notice of Abandonment was mailed January 21, 2010.

The present petition

Applicant files the present petition and asserts that a timely reply to the Office action - to wit, a Request for Continued Examination ("RCE"), was filed on May 6, 2009, including an authorization to charge Applicant's deposit account any underpayment of fees. In support of this

[1] The original Decision dismissed the petition for failing to file a submission with the RCE. This Decision corrects the reason for dismissal.

assertion, Applicant files a copy of a return-receipt postcard acknowledging receipt by this office of a RCE Transmittal on May 6, 2009. Applicant also files a copy of the RCE Transmittal.

A review of Office records reveals that this Office also received a check in the amount of $810.00 on May 6, 2009.

A review of the copy of the RCE Transmittal filed with the pet ition reveals that the RCE Transmittal Signature Block has been stamped "SIGNATURE ON ORIGINAL."

Applicable Law, Rules and MPEP

The Manual of Patent Examining procedure ("MPEP") 503 provides as follows:

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 MPEP 711.03(c)(I)(B), Petition To Withdraw Holding of Abandonment Based on Evidence That a Reply Was Timely Mailed or Filed, provides

> Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides prima facie evidence that the reply was timely filed. See MPEP § 503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

In order to demonstrate that the reply was timely filed, applicant must provide a copy of the reply. In this instance, Petitioner has failed to file a copy of the reply. The MPEP 203, Status of Applications, proves instructive. Section 203.08, Status inquiries, advises Applicants that in the event that a reply to an Office action is filed, and a six month period has elapsed and no response from the Office is received, applicant should inquire as to the status of the application to avoid potential abandonment, and as proof of timely filing of a reply to an Office action, provides:

> A stamped postcard receipt for replies to Office actions, adequately and specifically identifying the papers filed, will be considered prima facie proof of receipt of such papers. See MPEP § 503. Where such proof indicates the timely filing of a reply, the submission of a copy of the postcard with a copy of the reply will ordinarily obviate the need for a petition to revive. Proof of receipt of a timely reply to a final action will obviate the need for a petition to revive only if the reply was in compliance with 37 CFR 1.113. (Emphasis supplied).

Where Petitioner is unable to provide a copy of the reply, a petition to revive the application is required.

The MPEP 512, Certificate of Mailing or Transmission, when discussing situations where there may be doubt concerning the itemized sheet containing the certificate of mailing or transmission, and the paper filed, also provides:

> Moreover, without the proper identifying data, a certification presented on a separate sheet will not be considered acceptable if there is any question or doubt concerning the connection between the sheet and the paper filed. If the sheet should become detached from the paper and thereafter not associated with the appropriate file, evidence that this sheet was received in the Office can be supported by submitting a copy of a postcard receipt specifically identifying this sheet and the paper and by submitting a copy of the sheet as originally mailed. Attention is directed to MPEP § 503 relative to the use of postcards as receipts.

Petitioner is advised that the USPTO file is the official record of the papers actually received or filed. In this instance, the application file does not contain a copy of the RCE Transmittal, nor has Petitioner has filed a copy of the originally-filed papers[2]. As such, there is doubt concerning the connection between the postcard and the paper filed – the RCE Transmittal. In this instance, the copy of the RCE Transmittal filed with the petition is not a copy of the RCE that was filed in this Office, but states that the signature is on the original RCE putatively filed with this Office.

Prima facie evidence as defined in Black's Law Dictionary is evidence sufficient to establish a given fact, and which if not rebutted or contradicted, will remain sufficient. Here, the postcard filed with the petition to establish that a RCE was filed on May 6, 2009, is contradicted by the copy of the RCE Transmittal filed with the petition, which clearly indicates that it is not a copy of the RCE filed on May 6, 2009.

Conclusion

Petitioner has failed to demonstrate that a RCE Transmittal was filed in this Office on May 6, 2009.

The petition is dismissed.

Alternate venue

Petitioner is urged to file 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 was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required fee.

---

[2] The requirement for a copy of the originally-filed papers in support of the return-receipt postcard is also reiterated in petitions filed under 37 CFR 1.10(e), requesting the Office accord a filing date to application papers that were not received in the Office. 37 CFR 1.10(e)(3) requires "*a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence* showing the number of the 'Express Mail' mailing label thereon...."

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

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

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Dickstein Shapiro LLP
1825 Eye Street, NW
Washington, DC 20006

Mail Date: 04/21/2010

Applicant	: John Ladd	: DECISION ON REQUEST FOR
Patent Number	: 7663167	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/019,232	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **237** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Mail Date: 04/21/2010

Applicant	: Yerramilli V. S. N. Murthy	: DECISION ON REQUEST FOR
Patent Number	: 7622138	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/019,243	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **819** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

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OFFICE OF PETITIONS

In re Application of	:	
Jeong Ho Park	:	
Application No. 11/019,250	:	DECISION ON PETITION
Filed: December 23, 2004	:	TO WITHDRAW
Attorney Docket No. 262189US8	:	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 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 C. Irvin McClelland on behalf of all attorneys of record who are associated with customer No. 22850.

All attorneys/agents associated with the Customer Number 22850 have been withdrawn.

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

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

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

There is an outstanding Office action mailed September 7, 2006 that requires a reply by 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: Jeong Ho Park
Gisan Apt. 402
193-1, Notap-ri,
Janghowon-eup, Icheon-city
Kyungki-do, 467-902
Korea

cc: Dongbu Electronics Co., Ltd
Dongbu Electronics A1-Dong (FAB-Dong)
5th Floor, Technical Alliance (T/A) Team
Dodang-Domg 222-1, Wonmi-ku, Bucheon-Si
Kyunggi-Di, 420-807 Korea

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/019,250	12/23/2004	Jeong Ho Park	262189US8

CONFIRMATION NO. 4577

OC000000021261720

OC000000021261720

22850
C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 11/16/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/24/2006.

- 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

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TECHNOLOGY CENTER 2800

James Rhee
Lowe, Hauptman, Berner, LLP
1700 Diagonal Road
Suite 300
Alexandria VA 22314

In re Application of:
Jeong Ho Park
Serial No.: 11/019250
Filed: December 23, 2004
Title: Method for Manufacturing Semiconductor Device Using Dual-Damascene Pattern

DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

A Notice of Allowance was mailed on January 11, 2007. In the apparent absence of a reply a Notice of Abandonment was mailed on May 8, 2007.

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 Power of Attorney was filed on December 7, 2006, but not processed before the Notice of Allowance was mailed. Consequently, the Notice of Allowance was not mailed to the proper correspondence address. Therefore, the application is not abandoned in fact.

The Power of Attorney and correspondence was also changed to a new address listed above effective March 12, 2007 as indicated in PALM records.

Any inquiry regarding this decision should be directed to Hien Phan, Special Program Examiner, at (571) 272-1606.

Robert Oberleitner, Group Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components
Electrical & Optical Systems & Components

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SUITE 101
RESTON VA 20191

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OFFICE OF PETITIONS

In re Patent No. 7245,812	:	
Issue Date: July 17, 2007	:	
Application No. 11/019,263	:	ON PETITION
Filed: December 23, 2004	:	
Attorney Docket No. 15-060	:	

This is a decision on the petition filed October 24, 2007, which is being treated as a request under 37 CFR 3.81(b)[1] to add the name of an assignee to the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to Carl Friedman at (571) 272-6842. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Carl Friedman
Petitions Examiner
Office of Petitions

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

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

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OFFICE OF PETITIONS

In re Application of	:	
KIM	:	
Application No. 11/019,267	:	DECISION ON PETITION
Filed: December 23, 2004	:	TO WITHDRAW
Attorney Docket No. 262641US	:	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 02, 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 C. Irvin McClelland on behalf of all attorneys of record who are associated with Customer No. 22850. All attorneys/agents associated with the Customer No. 22850 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.

A Review of the file discloses that a non-final Office action was mailed on June 26, 2006, which set forth a three month shortened statutory period for reply. Extensions of time under 37 CFR 1.136(a) are available. To date, there is no indication that a reply to the Office action of June 26, 2006 has been received.

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

Patricia Volpe
Petitions Examiner
Office of Petitions

cc: Mr. Sang Kwon KIM
Jukonggreenville Apt. 301-206,
Maetan-dong, Paldal-ku, Suwon-city,
Kyungki-do,
442-370, KOREA

cc: Dongbu Electronics Co., Ltd.
Dongbu Electronics Al-Dong (FAB-Dong)
5th Floor, Technical Alliance (T/A) Team
Dodang-Dong 222-1, Wonmi-ku, Bucheon-Si
Kyunggi-Do,
420-807, KOREA

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/019,267	12/23/2004	Sang Kwon Kim	262641US

CONFIRMATION NO. 4385

OC000000021148199

22850
C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 11/07/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/02/2006.

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

PATRICIA A VOLPE
OP (571) 272-6825

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TROXELL LAW OFFICE PLLC
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH VA 22041

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OFFICE OF PETITIONS

In re Application of :
Hong-Yuan HUANG :
Application No. 11/019,279 : DECISION ON PETITION
Filed: December 23, 2004 :
Attorney Docket No. BHT-3183-102 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 29, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before August 16, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed May 16, 2006, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 17, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1440.00 and publication fee of $300.00; (2) the petition fee of $1540.00; and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fee payments are accepted as being unintentionally delayed.

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

This application is being referred to Office of Data Management.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 03-16-09

TO SPE OF : ART UNIT 3616

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/019298 Patent No.: 7334658

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

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

Thank You For Your Assistance

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

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

Comments: Approved.

/John Q. Nguyen/ — **SPE**

3654 — **Art Unit**

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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

Mail Date: 04/22/2010

Applicant	: Narendranath Malayath	: DECISION ON REQUEST FOR
Patent Number	: 7606427	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/019,331	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1046** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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	:	
Gabriel Omar Ponce	:	
Application No. 11/019342	:	ON PETITION
Filing Date: 12/21/2004	:	
Attorney Docket Number:	:	
49812/4	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 17, 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 January 26, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2).

Applicant filed a reply to the Office action on June 25, 2007; however, the reply failed to place the application in condition for allowance. Applicant was so notified in an Advisory Action, mailed July 5, 2007, and re-mailed July 13, 2007. Accordingly, the date of abandonment of this application is 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 a Request for Continued Examination (RCE) and fee, and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 3676 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOHN SELDON OGLE
1472 PASHOTE COURT
MILPITAS CA 95035

DEC 05 2005

In re Application of:	:	
OGLE, JOHN SELDON	:	DECISION ON PETITION
Serial No.: 11/019,410	:	TO MAKE SPECIAL
Filed: December 20, 2004	:	
Title of Invention: **METHOD AND APPARATUS FOR LARGE RATIO RADIO FREQUENCY VARIABLE INDUCTOR AND USE IN RADIO FREQUENCY POWER MATCHING SYSTEM**	:	

This is a decision on the petition under 37 C.F.R. § 1.102(c), filed December 20, 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 V: Applicant's Age Section.

A grantable petition to make special under 37 C.F.R. § 1.102, and in accordance with M.P.E.P. § 708.02, Section IV, must include evidence showing that the applicant is sixty five (65) years of age or more. No fee is required for this petition.

The petition includes a statement from the applicant, John Ogle stating that he are sixty-five (65) years of age or more.

Accordingly, the petition is GRANTED.

If the examiner can make this application special without prejudice to any possible interfering applications, and s/he should make a rigid search for such, s/he is authorized to do so for the next action. Should the application be rejected, the application will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the application in condition for allowance, even if it is necessary to have an interview with the examiner to accomplish this purpose.

If the examiner finds any interfering application for the same subject matter, s/he should consider such application simultaneously with this application and should state in the official letter of such application that s/he is taking it out of its turn because of possible interference.

Should an appeal be taken in this application or should this application become involved in an interference, consideration of the appeal and the interference will be expedited by all Patent and Trademark Office officials concerned, contingent likewise upon diligent prosecution by the applicant.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

Inquiries regarding this decision should be directed to Jose Dees at (571) 272-1569.

Jose Dees, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

Fax to

1472 Pashote Court
Milpitas, CA. 95035
August 1, 2005

attn: Mr. José Dees

In response to your phone request for a statement of my age related to a request to make special a patent application, I was born March 13, 1929 in Klamath Falls, Oregon, and so am now 76 years old.

Best Regards,
John Seldon Ogle
Signed August 1, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WILLIAM J SAPONE
COLEMAN SUDOL SAPONE PC
714 COLORADO AVE
BRIDGE PORT CT 06605

COPY MAILED

JUN 14 2005

OFFICE OF PETITIONS

In re Application of Guiseppe Monti Application No. 11/019,427 Filed: December 22, 2004 Attorney Docket No. 377/9-2032	: : : : :	DECISION ON PETITION

This is a decision on the "PETITION FOR GRANT OF FILING DATE", filed April 4, 2005, which is being treated as a petition under 37 C.F.R. § 1.53 to accord the above-identified application a filing date of December 22, 2004, with 8 sheets of drawings as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on December 22, 2004. However, on March 23, 2005, the Initial Patent Examination Division mailed applicant a "Notice of Incomplete NonProvisional Application." Applicant was notified that the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, applicant filed the instant petition. Accompanying the petition was a copy of 8 drawing sheets. Applicant maintains that the application as originally filed included 8 pages of drawings. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "Drawings (8 pgs, fig. 1-4a)" as enclosed, bearing a United States Patent and Trademark Office date-stamp of December 22, 2004, and lacking any notation of non-receipt of any item listed.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

Given the basis for granting the petition, the $400 petition fee will be refunded under separate cover.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of December 22, 2004, using the application papers received in the Office on that date and the 8 pages of drawings as resupplied on petition filed April 4, 2005, and for indication in Office records that 8 sheets of drawings was present on filing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Morgan, Lewis & Bockius LLP/Google
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto, CA 94306

Mail Date: 04/20/2010

Applicant	: Michael H. Cohen	: DECISION ON REQUEST FOR
Patent Number	: 7627638	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/019,431	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1195** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1/7/09

TO SPE OF : ART UNIT 2618 Trin H, Tan

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/019437 Patent No.: 7430440

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

H. Rolly

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: _____

ok to enter

/Matthew Anderson/ — **SPE**

2618 — **Art Unit**

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(INCLUDING BURNS DOANE SWECKER & MATHIS)
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

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APR 11 2006
OFFICE OF PETITIONS

In re Application of	:	
Enrico Magni et al	:	
Application No. 11/019,464	:	DECISION GRANTING PETITION
Filed: December 23, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 015290-915	:	

This is a decision on the petition, filed February 13, 2006, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen month publication country on December 15, 2005. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;

(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of July 20, 2006 has been mailed under separate cover.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3218.

This application is being forwarded to Technology Center Art Unit 1765 for examination in due course.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SCHWEGMAN, LUNDBERG & WOESSNER/SAP
P.O. BOX 2938
MINNEAPOLIS MN 55402

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JAN 13 2010

In re Application of	:	
Karsten A. SCHULZ et al.	:	
Application No. 11/019,480	:	DECISION ON PETITION
Filed: December 21, 2004	:	
Attorney Docket No. **2058.002US1**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 25, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file a complete and proper appeal brief within the time period provided in 37 CFR 41.37(a)(1). As a complete and proper appeal brief was not filed within one (1) month of the Notification of Non-Compliance with 37 CFR 41.37(c)(1), mailed April 24, 2009, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on May 26, 2009. See MPEP 1215.04.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an appeal brief, (2) the petition fee of $1620, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notification of Non-Compliance of April 24, 2009 is accepted as having been unintentionally delayed.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is not a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 2165 for appropriate action by the Examiner in the normal course of business on the reply received.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 3 2005

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OMRI M. BEHR
325 PIERSON AVENUE
EDISON NJ 08837-3123

In re Application of	:
Leonard Mackles et al.	
Serial No.: 11/019,485	: PETITION TO MAKE SPECIAL
Filed: December 22, 2004	:
Attorney Docket No.: CHAV3.0-037	:

This is in response to applicant's petition filed on December 22, 2004, to make the above-identified application special under the provisions 37 CFR 1,102(c), based on the age of 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 by any questions with regard to this letter please contact Julie Burke by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 572-272-0519 or by facsimile transmission to the general Office facsimile number.

William Dixon, Jr.
Special Program Examiner
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

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JUL 0 5 2006

OFFICE OF PETITIONS

In re Application of	:	
Zhang et al.	:	
Application No. 11/019,489	:	ON PETITION
Filed: December 22, 2004	:	
Attorney Docket No. I-2-0692.1US	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 8, 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, Stephen G. Dick. 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 2616 for action on the merits commensurate with this decision.

Liana Chase
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Guodong Zhang et al
Application No. 11/019,489
Filed: December 22, 2004
Attorney Docket No. I-2-0692.1US

This is a decision on the petition, filed February 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 December 20, 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 2616 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).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20070820

DATE : August 20, 2007

TO SPE OF : ART UNIT 2616

SUBJECT : Request for Certificate of Correction on Patent No.: 7,215,655

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: Chau T. Nguyen **Art Unit** 2616

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/019,492	12/21/2004	Jan Weber	S63.2-11659-US01	3598

490 7590 10/09/2009
VIDAS, ARRETT & STEINKRAUS, P.A.
SUITE 400, 6640 SHADY OAK ROAD
EDEN PRAIRIE, MN 55344

EXAMINER
LISTVOYB, GREGORY

ART UNIT	PAPER NUMBER
1796	

MAIL DATE	DELIVERY MODE
10/09/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

wk

Mailed: 10/9/09

In re application of	:	
Weber et al.	:	DECISION ON
Serial No. 11/019,492	:	PETITION
Filed: December 21, 2004	:	
For: New Balloon Materials	:	

This is a response to a Petition filed 37 CFR 1.182 which is being treated as a PETITION UNDER RULE 37 C.F.R. 1.181 (no fee) filed April 16, 2009.

Applicants request entry of the Amendment After Final filed February 26, 2009, correcting dependencies of claims 29 and 30 to depend from the single pending independent claim, claim 25 rather from claim 1, a claim that was never copending with claims 29 and 30. A review of the record discloses the September 12, 2008 Amendment contained an obvious error in that they depended from a cancelled claim. Claims 29 and 30 were expressly stated to have features not contained in that cancelled claim, but present in the single remaining independent claim.

DECISION

The Petition is **GRANTED**.

The Amendment filed February 26, 2009 is to be entered and made of record.

/Gregory L Mills/
Gregory L. Mills, Acting Director
Technology Center 1700
Chemical and Materials Engineering

Walter J. Steinkraus
VIDAS, ARRETT & STEINKRAUS, P.A.
SUITE 400, 6640 SHADY OAK ROAD
EDEN PRAIRIE MN 55344

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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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN VA 22102

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JUN 0 6 2008

In re Application of	:	
Kazuhiro Ishiguro et al	:	
Application No. 11/019,520	:	DECISION GRANTING PETITION
Filed: December 23, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 325772038400	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 6, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 6, 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 2624 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN VA 22102

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AUG 0 6 2008

OFFICE OF PETITIONS

In re Application of	:	
Kazuhiro Ishiguro et al	:	
Application No. 11/019,520	:	DECISION GRANTING PETITION
Filed: December 23, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 325772038400	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 4, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 20, 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 2624 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed ID.

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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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

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OFFICE OF PETITIONS
ON PETITION

In re Application of :
Thomas Hunig :
Application No. 11/019,530 :
Filed: December 23, 2004 :
Attorney Docket No. ALBRE-0020-D01 :

This is a decision in response to the petition, filed September 3, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed June 19, 2007, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on July 20, 2007. A Notice of Abandonment was mailed on January 23, 2008. On September 3, 2008, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the response in the form of an election of the invention to be examined; (2) the petition fee of $770; and (3) an adequate statement of unintentional delay.

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 is being referred to Technology Center AU 1644 for consideration of the response filed September 2, 2008.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JJGJR.: 01-06

Paper No: __

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OFFICE OF PETITIONS

SONG K. JUNG
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, N.W.
WASHINGTON DC 20006

In re Application of	:	
Kim et al.	:	
Application No. 11/019,539	:	ON PETITION
Filed: 23 December, 2004	:	
Attorney Docket No. 8733.1266.00	:	

This is a decision on the petition filed on 9 August, 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 23 December, 2004, 2003, without, *inter alia*, a fully

executed oath/declaration;

- on 24 March, 2005, the Examiner mailed an Office action indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;

- on 12 July , 2005, Petitioner George G. Ballas (Reg. No. 52,587) filed (with a request and fee for extension of time), *inter alia*, an incomplete reply to the Notice of Missing Parts, and the Office mailed a second Notice on 28 July, 2005, to which Petitioner responded (with fee authorization), *inter alia*, a the instant petition, an oath/declaration signed by co-inventor Yong Bum Kim for himself and on behalf of non-signing co-inventor Jin Wuk Kim, and a statement of Young Ho Kim that indicates that only the oath/declaration and not the entire application (description, claims, abstract and drawings) was sent to non-signing co-inventor Jin Wuk Kim;

- moreover, no showing is made as to Petitioner's diligent effort to ensure the currency of the last known residential address set forth for the non-signing inventor.

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 is incomplete as to the copy of the referenced transmittal letter (to support and evidence transmittal of the entire application (description, claims, abstract and drawings) to the non-signing inventor at current/valid (or at least last-known/ascertainable) addresses. The evidence of these requirements should be submitted with any renewed petition.

Out of an abundance of caution and because, *inter alia*, a property right is in question, Petitioner is requested to submit a copy of the transmittal letter with a 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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JJGJR.: 02-07

Paper No: __

SONG K. JUNG
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, N.W.
WASHINGTON DC 20006

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MAR 0 2 2007
OFFICE OF PETITIONS

In re Application of	:	
Kim et al.	:	
Application No. 11/019,539	:	ON PETITION
Filed: 23 December, 2004	:	
Attorney Docket No. 8733.1266.00	:	

This is a decision on the petition filed on 23 August, 2006, 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 23 December, 2004, without, *inter alia*, a fully executed oath/declaration;

- on 24 March, 2005, the Examiner mailed an Office action indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;

- on 12 July , 2005, Petitioner George G. Ballas (Reg. No. 52,587) filed (with a request and fee for extension of time), *inter alia*, an incomplete reply to the Notice of Missing Parts, and the Office mailed a second Notice on 28 July, 2005, to which Petitioner responded (with fee authorization), *inter alia*, a the original petition, an oath/declaration signed by co-inventor Yong Bum Kim for himself and on behalf of non-signing co-inventor Jin Wuk Kim, and a statement of Young Ho Kim that indicated that only the oath/declaration

and not the entire application (description, claims, abstract and drawings) was sent to non-signing co-inventor Jin Wuk Kim; moreover, no showing was made as to Petitioner's diligent effort to ensure the currency of the last known residential address set forth for the non-signing inventor–and so the petition was dismissed on 24 January, 2006;

- the instant petition seeks to cure these deficiencies and evidences an effort to make a diligent inquiry to ascertain the last known address of and the actual transmittal of the entire application (description, claims, abstract and drawings) to the non-signing inventor Jin Wuk Kim.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

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[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Specifically, the regulations at 37 C.F.R. §10.18 provide:

§ 10.18 Signature and certificate for correspondence filed in the Patent and Trademark Office.
(a) For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature by such practitioner complying with the provisions of §1.4(d), §1.4(e), or § 2.193(c)(1) of this chapter.
(b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—

(1) All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and

(2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that —

(i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office;

(ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

(c) Violations of paragraph (b)(1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions as deemed appropriate by the Commissioner, or the Commissioner's designee, which may include, but are not limited to, any combination of —

(1) Holding certain facts to have been established;
(2) Returning papers;
(3) Precluding a party from filing a paper, or presenting or contesting an issue;
(4) Imposing a monetary sanction;
(5) Requiring a terminal disclaimer for the period of the delay; or
(6) Terminating the proceedings in the Patent and Trademark Office.

This application and its 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.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

(d) Any practitioner violating the provisions of this section may also be subject to disciplinary action. See § 10.23(c)(15).
[Added 50 FR 5175, Feb. 6, 1985, effective Mar. 8, 1985; para. (a) revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; paras. (a) & (b) revised, paras. (c) & (d) added, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

[2] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JJGJR.: 02-07

Paper No: __

JIN WUK KIM
#27-1311, JANGMI APARMENT
SINCHEON-DONG
SONGPA-GU
REPUBLIC OF SOUTH KOREA

COPY MAILED
MAR 0 2 2007
OFFICE OF PETITIONS

In re Application of	:	
Kim et al.	:	
Application No. 11/019,539	:	COMMUNICATION
Filed: 23 December, 2004	:	
Attorney Docket No. 8733.1266.00	:	

Dear Jin Wuk Kim:

You are named as inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47,[1] ¶a, Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as inventor.

---

[1] The regulations at 37 C.F.R. §1.47 provide:

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

(a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in §1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

(b) Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in §1.17(h), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

© The Office will send notice of the filing of the application to all inventors who have not joined in the application at the address(es) provided in the petition under this section, and publish notice of the filing of the application in the *Official Gazette*. The Office may dispense with this notice provision in a continuation or divisional application, if notice regarding the filing of the prior application was given to the nonsigning inventor(s).

[47 Fed. Reg. 41275, Sept. 17, 1982, effective Oct. 1, 1982; 48 Fed. Reg. 2709, Jan. 20, 1983, effective Feb. 27, 1983; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997; revised, 65 Fed. Reg. 54604, Sept. 8, 2000, effective Nov. 7, 2000]

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733.

Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or toll-free: (800) 972-6382 (outside the Washington D.C. area).

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
SONG K. JUNG
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, N.W.
WASHINGTON DC 20006

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[2] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

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JUL 11 2008

In re Application of	:	
Koji Takahashi et al	:	
Application No. 11/019,549	:	DECISION GRANTING PETITION
Filed: December 23, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 043139	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 9, 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 April 30, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2891 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.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

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AUG 13 2008

In re Application of	:	
KARUMANCHI et al.	:	
Application No. 11/019,559	:	NOTICE
Filed: 12/21/2004	:	
Attorney Docket No. 01948/088006	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed July 14, 2008.

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) 272-3211.

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
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SEP 12 2008

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

In re Application of	:	
KARUMANCHI et al.	:	LETTER REGARDING
Application No. 11/019,559	:	PATENT TERM ADJUSTMENT
Filed: 12/21/2004	:	
Attorney Docket No. 01948/088006	:	

This letter is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT," filed April 18, 2008. Pursuant to applicants' duty of good faith and candor to the Office, applicants request that the determination of patent term adjustment under 35 U.S.C. 154(b) be reviewed for accuracy.

The request for review of the determination of patent term adjustment is **GRANTED** to the extent indicated herein.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the notice of allowance is **zero (0) days.**[1] A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On March 13, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is zero (0) days. On April 18, 2008, applicants submitted the instant comment.

[1] Although the overall Patent Term Adjustment determination remains zero (0) days, the amount of applicant delay is increased from 95 days to 224 days.

A terminal disclaimer was filed in this application on February 7, 2008.

Applicants state no basis for the request for review of the determination of patent term adjustment. The application history has been reviewed and it has been determined that the number days of applicant delay is incorrect.

A final Office action was mailed on March 22, 2007. Applicants filed their response on September 26, 2007, in excess of the three-month period from the mailing date of the final Office action. See 37 CFR 1.704(b). Thus, applicants failed to engage in reasonable efforts to conclude prosecution of this application. The period of adjustment should have been reduced by 96 days, the number of days in the period beginning on the day after the date that is three months after the date of mailing of the final Office action, June 23, 2007, ending on the date the reply was filed, September 26, 2007. See 37 CFR 1.704(b). Accordingly, a period of reduction of 96 days will be entered.

Additionally, applicants should have been assessed a delay under 37 CFR 1.704(c)(8) for submission of a supplemental reply or paper after a reply had been filed, without the express request of the examiner.

Pursuant to 37 CFR 1.704(c)(8):

> 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[.]

On October 29, 2007, applicants submitted a Supplemental Information Disclosure Statement (IDS) after filing a reply on September 26, 2007. The record does not support a conclusion that the examiner expressly requested the IDS. Further, a

review of the IDS, filed October 29, 2007, reveals that applicants did not include a statement under 37 CFR 1.704(d).[2]

Thus, applicants failed to engage in reasonable efforts to conclude prosecution of the application.

In accordance with 37 CFR 1.704(c)(8), the period of adjustment should be reduced by 33 days, the number of days beginning on the day after the date the reply was filed, September 27, 2007, and ending on the date that the IDS was filed, October 29, 2007. Accordingly, a period of reduction of 33 days will be entered.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is **zero days** (2 days of Office delay - 224 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 as set forth in 37 CFR 1.18(e). The Office thanks applicants for applicants' good faith and candor in bringing this to the attention of the Office.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

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[2] Pursuant to 37 CFR 1.704(d):

> 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.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries regarding this matter should be directed to Christina Tartera Donnell, Senior Petitions Attorney, at (571) 272-3211.

Kery A Fries

Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration

Enclosure: Copy of updated PAIR screen

Day : Thursday
Date: 9/11/2008

PALM INTRANET

Time: 10:28:01

PTA Calculations for Application: 11/019559			
Application Filing Date:	12/21/2004	PTO Delay (PTO):	2
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	95
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-129		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
97	09/11/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		129	
72	03/13/2008	MAIL NOTICE OF ALLOWANCE			
71	03/04/2008	ISSUE REVISION COMPLETED			
70	03/04/2008	DOCUMENT VERIFICATION			
69	03/04/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
68	03/03/2008	NOTICE OF ALLOWABILITY			
66	02/17/2008	DATE FORWARDED TO EXAMINER			
65	02/07/2008	AMENDMENT AFTER FINAL REJECTION			
64	02/07/2008	TERMINAL DISCLAIMER FILED			
63	12/22/2007	ELECTRONIC REVIEW			
62	12/21/2007	EMAIL NOTIFICATION			
61	10/29/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
60	12/13/2007	MAIL FINAL REJECTION (PTOL - 326)			
59	12/10/2007	FINAL REJECTION			
57	10/29/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
56	09/26/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
53	10/29/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
52	09/26/2007	REFERENCE CAPTURE ON IDS			
51	09/26/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
50	10/09/2007	DATE FORWARDED TO EXAMINER			
49	09/26/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			

48	10/09/2007	DATE FORWARDED TO EXAMINER			
47	09/26/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
46	10/09/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
45	09/26/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
44	09/26/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
43	09/26/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
42	09/06/2007	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
41	03/22/2007	MAIL FINAL REJECTION (PTOL - 326)			
40	03/19/2007	FINAL REJECTION			
39	10/30/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
38	12/08/2006	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
37	01/05/2007	DATE FORWARDED TO EXAMINER			
36	12/08/2006	RESPONSE AFTER NON-FINAL ACTION		93	27
35	12/08/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
31	12/07/2006	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
30	12/05/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
29	10/30/2006	REFERENCE CAPTURE ON IDS			
28.7	10/30/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
28	10/30/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
27	06/06/2006	MAIL NON-FINAL REJECTION			
26	06/05/2006	NON-FINAL REJECTION			
25	03/29/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
24	12/27/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
23	04/14/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
22.7	03/29/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		2	19

22	03/29/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21	04/05/2006	CASE DOCKETED TO EXAMINER IN GAU			
20	04/03/2006	DATE FORWARDED TO EXAMINER			
19	03/27/2006	RESPONSE TO ELECTION / RESTRICTION FILED			
18	02/23/2006	MAIL RESTRICTION REQUIREMENT	2		-1
17	02/21/2006	REQUIREMENT FOR RESTRICTION / ELECTION			
16	02/01/2006	CASE DOCKETED TO EXAMINER IN GAU			
15.7	12/27/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	12/27/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	12/22/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
13	12/22/2005	CASE DOCKETED TO EXAMINER IN GAU			
12	04/14/2005	REFERENCE CAPTURE ON IDS			
11.7	04/14/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	04/14/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	04/27/2005	APPLICATION DISPATCHED FROM OIPE			
9	04/27/2005	APPLICATION IS NOW COMPLETE			
8	04/14/2005	ADDITIONAL APPLICATION FILING FEES			
7	04/14/2005	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
6	03/29/2005	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
3	01/26/2005	CLEARED BY OIPE CSR			
2	01/20/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	12/21/2004	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to OASIS | Home page

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04/06/10

TO SPE OF : ART UNIT 1647

SUBJECT : Request for Certificate of Correction for Appl. No.: 11019559 Patent No.: 7435419

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

[signature]
SPE

1647
Art Unit

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OFFICE OF PETITIONS

PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN VA 22102

In re Patent No. 7,512,317	:	
Issue Date: March 31, 2009	:	
Application No. 11/019,571	:	DECISION ON PETITION
Filed: December 23, 2004	:	
Attorney Docket No. 041050-0314267	:	

This is a decision on the petition under 37 CFR 1.182, filed December 18, 2009, requesting issuance of duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Office of Data Management is directed to issue duplicate Letters Patent.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Telephone inquiries concerning this decision may be directed to Michelle R. Eason at (571) 272-4231. Inquiries regarding the issuance of duplicate Letters Patent may be directed to Niomi Farmer in the Office of Data Management at (703) 756-1556.

A copy of this decision is being sent to Office of Data Management for issuance of duplicate Letters Patent.

Thurman K. Page
Petitions Examiner
Office of Petitions

cc: Niomi Farmer, Randolph Square, 9th Floor, Room D30-B (Fax No. (571) 270-9753)

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MAY 23 2005

BOND, SCHOENECK & KING, PLLC
ONE LINCOLN CENTER
SYRACUSE, NY 13202-1355

In re application of Robert Schaefer Application No. 11/019,573 Filed: December 22, 2004 For: ATTACHMENT OF METAL AND PLASTIC PARTS OF AN IMPLEMENT HANDLE	:	**DECISION ON PETITION TO MAKE SPECIAL (INFRINGEMENT)**

This is a decision on the petition under 37 C.F.R § 1.102(d) filed May 12, 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 May 12, 2005 meets all of the requirements above and, therefore, 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 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/dew: 05/19/05

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MENDELSOHN, DRUCKER, & ASSOCIATES, P.C.
1500 JOHN F. KENNEDY BLVD., SUITE 405
PHILADELPHIA, PA 19102

Mail Date: 05/19/2010

Applicant	: Harald van Kampen	: DECISION ON REQUEST FOR
Patent Number	: 7633970	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/019,581	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1095** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Kevin A. Buford
Holland & Knight LLP
2099 Pennsylvania Ave., N.W.
Washington D.C. 20006

COPY MAILED

AUG 0 2 2006

OFFICE OF PETITIONS

In re Application of	:	
Edward A. Zbella et al.	:	
Application No. 11/019,585	:	DECISION ON PETITION
Filed: December 12, 2004	:	TO WITHDRAW
Attorney Docket No. 053221.00012	:	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 15, 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 Kevin A. Buford.

Kevin A. Buford 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 Terri Williams at 571-272-2991.

David Bucci
Petitions Examiner
Office of Petitions

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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

In re Application of	:	
Borje Sellergren et al	:	
Application No. 11/019,588	:	DECISION GRANTING PETITION
Filed: December 23, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 034005-012	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 7, 2006, to withdraw the above-identified application from issue after payment of the issue fee. This is also a decision on the concurrently filed petition under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to a prior-filed international application designating the United States of America (Application No. PCT/SE01/00137, filed January 25, 2001).

The petition under 37 CFR 1.313(c)(2) is **GRANTED**.

The petition under 37 CFR 1.78(a)(3) is **DISMISSED AS MOOT**.

DISCUSSION OF PETITION UNDER 37 CFR 1.313(c)(2)

Petitioner requests that this application be withdrawn from issue for entry of an amendment to the claim for priority. Accordingly, 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 24, 2006 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

[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.*

DISCUSSION OF PETITION UNDER 37 CFR 1.78(a)(3)

The petition seeks acceptance of a late claim for priority to a prior-filed PCT national stage application. More specifically, the amendment filed with the petition seeks to include an amendment to state that application No. 10/169,799, filed November 25, 2002, is "a 35 U.S.C. §371 filing of International Patent Application No. PCT/SE01/00137, filed January 25, 2001."

As noted in MPEP 1893.03(c)(III), a national stage application filed under 35 U.S.C. § 371 may not claim benefit of the filing date of the international application of which it is the national stage since its filing date is the date of filing of that international application. *See also* MPEP 1893.03(b). In this regard, since the international application is not an earlier application (it has the same filing date as the national stage), a priority claim in the national stage of the international application is inappropriate. Accordingly, it is not necessary for the applicant to amend the first sentence of the specification to reference the international application number that was used to identify the application during the international processing of the application by the international authorities prior to commencement of the national stage under 35 U.S.C. § 371.

A corrected Filing Receipt accompanies this decision on petition.

Since the petition under 37 CFR 1.78(a)(3) is unnecessary for the reasons stated above, no fee has been assessed to petitioner's credit card.

This application is being referred to Technology Center AU 1713 for processing of the request for continued examination under 37 CFR 1.114 and for processing of the currently filed amendment.

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/019,588	12/23/2004	1713	1350	034005-012	2	30	3

CONFIRMATION NO. 3271

CORRECTED FILING RECEIPT

OC000000021167040

21839
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

Date Mailed: 11/08/2006

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)

Borje Sellergren, Mainz, GERMANY;
Andrew Hall, Mainz, GERMANY;
Karine Chenon, St Maur des Fosses, FRANCE;
Rohini Karmalkar, Pune, INDIA;

Assignment For Published Patent Application

MIP Technologies AB, Research Park Ideon, Lund, SWEDEN

Power of Attorney: The patent practitioners associated with Customer Number **21839**.

Domestic Priority data as claimed by applicant

This application is a DIV of 10/169,799 11/25/2002 PAT 6,870,021
which is a 371 of PCT/SE01/00137 01/25/2001

Foreign Applications

SWEDEN 0000295-6 01/28/2000
SWEDEN 0000389-7 01/28/2000

If Required, Foreign Filing License Granted: 11/08/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/019,588

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

FUNCTIONAL MONOMERS FOR MOLECULAR RECOGNITION AND CATALYSIS

Preliminary Class

526

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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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Mail Date: 05/21/2010

Applicant	: Harald Fuchs	: DECISION ON REQUEST FOR
Patent Number	: 7640296	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/019,607	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1028** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 04/20/2010

Applicant	: Shiro Miyoshi	: DECISION ON REQUEST FOR
Patent Number	: 7582658	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/019,632	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1029** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Banner & Witcoff, Ltd.
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Suite 1200
Washington, DC 20005-4051

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OFFICE OF PETITIONS

In re Application of	:	
Takayuki Saeki	:	
Application No. 11/019,639	:	DECISION ON PETITION
Filed: December 23, 2004	:	TO WITHDRAW
Attorney Docket No. 008582.00004	:	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 23, 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 Christopher R. Glembocki and all attorneys/agents of record has been revoked by the applicant of the patent application on April 17, 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: Oliff & Berridge PLC
P.O. Box 19928
Alexandria, VA 22320

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.
11/019,643	12/23/2004	Tae-Wook Kang	P57319	7980

7590 02/01/2008

Robert E. Bushnell
Suite 300
1522 K Street, N.W.
Washington, DC 20005-1202

EXAMINER
PATEL, ASHOK

ART UNIT	PAPER NUMBER
2889	

MAIL DATE	DELIVERY MODE
02/01/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231
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01/22/08

Robert E. Bushnell

Suite 300

1522 K Street, N.W.

Washington, DC 20005

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TECHNOLOGY CENTER 2800

In re Application of: :

Tae-Wook Kang : DECISION ON PETITION

Serial No. : 11/019,643 UNDER 37 C.F.R. § 1.181

Filed: December 23, 2004

Attorney Docket No.: P57319

This is a decision on the Petition filed on January 9, 2008, under 37 CFR § 1.181, requesting overrule the Examiner's determination that the Amendment After Final filed November 13, 2007 should be entered. The advisory action was mailed on December 17, 2007 not entering the Amendment After Final filed November 13, 2007.

The petition is DENIED.

An advisory action was mailed on December 17, 2007. In the advisory action, the

Examiner determined that the Amendment After Final filed November 13, 2007 raised new issues that would require further consideration and search.

In the Amendment After Final, Applicant made the following amendment to independent claim 14:

14. (Currently Amended) An organic light emitting display, comprising:

a substrate formed with a thin film transistor;

<u>a passivation layer formed over the thin film transistor</u>;

a planarization layer formed over the entire surface of the substrate including the thin film transistor;

a first electrode formed in a predetermined region on the planarization layer and connected to any one of source and drain electrodes of the thin film transistor through via a hole formed in the planarization layer;

a pixel defining layer formed on the planarization and the first electrode, said pixel defining layer being patterned to form an opening exposing at least a part of the first electrode; and

an organic layer pattern formed on the opening of the first electrode on both ends of the pattern pixel defining layer, said organic layer including at least an emission layer;

where the planarization layer in a region over which the first electrode is not formed has a height which is not greater than a height of the planarization layer in a region over which the first electrode is formed.

Petitioner asserts that the advisory action is in error because each of the elements presented in the amended independent claim 14 must have been searched and considered by the

Examiner prior to the issuance of the final office action (in which independent claim 1 was allowed), and thus, the amended claim 14 filed in the Amendment After Final does not raise new issues that would require further consideration as search.

AMENDMENT AFTER FINAL PRACTICE

The Amendment After Final practice pertinent to the instant application and petition is outlined in the MPEP sections quoted below:

Amendments after final are approved for entry only if they place the application in condition for allowance or in better form for appeal. Otherwise, they are not approved for entry. See MPEP §714.12 and § 714.13. Thus, an amendment should be denied entry if some point necessary for a complete reply under 37 CFR 1.113 (after final) was omitted, even if the omission was through an apparent oversight or inadvertence. Where a submission after a final Office action (e.g., an amendment under 37 CFR 1.116) does not place the application in condition for allowance, the period for reply under 37 CFR 1.113 continues to run until a reply under 37 CFR 1.113 (i.e., a notice of appeal or an amendment that places the application in condition for allowance) is filed.

714.12 Amendments and Other Replies After Final Rejection or Action

37 CFR 1.116. Amendments and affidavits or other evidence after final action and prior to appeal.

(a) An amendment after final action must comply with § 1.114 or this section.

(b) After a final rejection or other final action (§ 1.113) in an application or in an ex parte reexamination filed under § 1.510 or an action closing prosecution (§ 1.949) in an inter partes

reexamination filed under § 1.913, but before or on the same date of filing an appeal (§ 41.31 or §41.61 of this title):

(1) An amendment may be made canceling claims or complying with any requirement of form expressly set forth in a previous Office action;

(2) An amendment presenting rejected claims in better form for consideration on appeal may be admitted; or

(3) An amendment touching the merits of the application or patent under reexamination may be admitted upon a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented.

(c) 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 reexamination proceeding from its condition as subject to appeal or to save the application from abandonment under § 1.135, or the reexamination prosecution from termination under § 1.550(d) or § 1.957(b) or limitation of further prosecution under § 1.957(c).

(d)

(1) Notwithstanding the provisions of paragraph (b) of this section, no amendment other than canceling claims, where such cancellation does not affect the scope of any other pending claim in the proceeding, can be made in an inter partes reexamination proceeding after the right of appeal notice under § 1.953 except as provided in § 1.981 or as permitted by § 41.77(b) (1) of this title.

(2) Notwithstanding the provisions of paragraph (b) of this section, an amendment made after a final rejection or other final action (§ 1.113) in an ex parte reexamination filed under §1.510, or an action closing prosecution (§ 1.949) in an inter partes reexamination filed

under § 1.913 may not cancel claims where such cancellation affects the scope of any other pending claim in the reexamination proceeding except as provided in § 1.981 or as permitted by § 41.77(b)(1) of this title.

(e) An affidavit or other evidence submitted after a final rejection or other final action (§1.113) in an application or in an ex parte reexamination filed under § 1.510, or an action closing prosecution (§ 1.949) in an inter partes reexamination filed under § 1.913 but before or on the same date of filing an appeal (§ 41.31 or § 41.61 of this title), may be admitted upon a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented.

(f) Notwithstanding the provisions of paragraph (e) of this section, no affidavit or other evidence can be made in an inter partes reexamination proceeding after the right of appeal notice under § 1.953 except as provided in § 1.981 or as permitted by § 41.77 (b) (1) of this title.

(g) After decision on appeal, amendments, affidavits and other evidence can only be made as provided in § 1.198 and 1.981, or to carry into effect a recommendation under § 41.50(c) of this title.

Once a final rejection that is not premature has been entered in an application, applicant or patent owner no longer has any right to unrestricted further prosecution. This does not mean that no further amendment or argument will be considered. Any amendment that will place the application either in condition for allowance or in better form for appeal may be entered. Also, amendments filed after a final rejection, but before or on the date of filing an appeal, complying with objections or requirements as to form are to be permitted after final action in accordance with 37 CFR 1.116(b). Amendments filed after the date of filing an appeal may be entered if the amendment complies with 37 CFR 41.33. See MPEP § 1206. Ordinarily, amendments filed after

the final action are not entered unless approved by the examiner. See MPEP § 706.07(f), § 714.13 and §1206. An affidavit or other evidence filed after a final rejection, but before or on the same date of filing an appeal, may be entered upon a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented in compliance with 37 CFR 1.116(e). See 37 CFR 41.33 and MPEP § 1206 for information on affidavit or other evidence filed after appeal.

REVIEW OF FACTS

In the amendment filed 05/22/07, Applicant

amended independent claim 1 to include "a passivation layer formed over the thin film transistor; a planarization layer formed on entire surface of the ~~substrate including the thin film transistor~~ passivation layer; a first electrode formed in a predetermined region of the planarization layer and connected to any source and drain electrodes of the thin film transistor through a via hole formed in the planarization layer and the passivation layer; wherein a height of the pixel defining layer formed on the planarization layer in a region where the first electrode is not formed is ~~formed to be lower than or equal to~~ not greater than a height of the pixel defining layer formed on the first electrode."

add new independent claim 14. An organic light emitting display, comprising: a substrate formed with a thin film transistor; planarization layer formed over the entire surface of the substrate including the thin film transistor; a first electrode formed in a predetermined region on the planarization layer and connected to any one of source and drain electrodes of the thin film transistor through via a hole formed in the planarization layer; a pixel defining layer formed on the planarization and the first electrode, said pixel defining layer being patterned to form an

opening exposing at least a part of the first electrode; and an organic layer pattern formed on the opening of the first electrode on both ends of the pattern pixel defining layer, said organic layer including at least an emission layer; where the planarization layer in a region over which the first electrode is not formed has a height which is not greater than a height of the planarization layer in a region over which the first electrode is formed.

The final rejection was mailed 08/10/07 allowing claims 1-13 and rejecting claims 14-19.

An amendment after final filed 11/13/07 amended claim 14 to include "a passivation layer formed over the thin film transistor".

An advisory action mailed on 12/17/2007 determined by the Examiner that the Amendment After Final filed 11/13/07 raised new issues that would require further consideration and search.

Petitioner asserts that the advisory action is in error because each of the elements presented in the amended independent claim 14 must have been searched and considered by the Examiner prior to the issuance of the final office action (in which independent claim 1 was allowed), and thus, the amended claim 14 filed in the Amendment After Final does not raise new issues that would require further consideration as search.

A review of the instant application reveals that claim 14 filed in the Amendment After Final filed 11/13/07 to include "a passivation layer formed on the film transistor" is entirely ***different in scope*** from allowed claim 1. As correctly stated by the Examiner: claim 1 was allowed, ***not just*** the limitation of "a passivation layer formed on the film transistor" per se, ***but rather*** "a passivation layer" ***in combination with other limitations*** in claim 1, e.g., ".....a height of a pixel defining layer formed on the planarization layer in a region where the first electrode is

not formed is being not greater than a height of the pixel defining layer on the first electrode" (whereas claim 14 recites "....a height of the planarization layer in a region over which the first electrode is not formed is being equal to a height of the planarization layer in the region over which the first electrode is formed"). The proposed claim 14 recites *a new combination that is different in scope from the allowed claim 1*, and thus has not been considered and searched by the Examiner during examination of the application.

Accordingly, the proposed amendment of claim 14 filed in the Amendment After Final would require further consideration and/or search. The Examiner has properly followed the guidelines set forth in MPEP §714.12 and § 714.13. Amendments after final are approved for entry only if they place the application in condition for allowance or in better form for appeal. Otherwise, they are not approved for entry. Thus, an amendment should be denied entry if some point necessary for a complete reply under 37 CFR 1.113 (after final) was omitted, even if the omission was through an apparent oversight or inadvertence.

CONCLUSION

The review of the application file record reveals that the Examiner has complied with §714.12 and § 714.13 by providing sufficient reasoning to why the Amendment After Final raise new issues that would require consideration and/or search. The advisory action mailed December 17, 2007 is proper.

Where a submission after a final Office action (e.g., an amendment under 37 CFR 1.116) does not place the application in condition for allowance, the period for reply under 37 CFR 1.113 continues to run until a reply under 37 CFR 1.113 (i.e., a notice of appeal or an amendment that places the application in condition for allowance) is filed.

Any question concerning this decision should be directed to Toan Ton, Supervisory Patent Examiner at (571) 272-2303.

Robert Oberleitner, TC Director

Technology Center 2800

Semiconductors, Electrical and Optical Systems and Components

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TRIMBLE NAVIGATION LIMITED C/O WAGNER BLECHER
123 WESTRIDGE DRIVE
WATSONVILLE, CA 95076

Mail Date: 04/21/2010

Applicant	: Arthur F. Lange	: DECISION ON REQUEST FOR
Patent Number	: 7640088	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/019,698	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1224** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

In re Application of	:	
R. Stephens Tull	:	
Application No. 11/019,704	:	ON PETITION
Filed: December 22, 2004	:	
Attorney Docket No. 101253.010100	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed January 4, 2008.

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 1.137(b)." No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a **proper** response to the final Office action mailed September 11, 2006, which set a shortened statutory period for reply of three (3) months. On March 12, 2007 applicant filed a three month extension of time, made timely by including a Certificate of Mailing dated March 8, 2007. However, the extension of time was not accompanied by a proper response. As

such, the application became abandoned on March 12, 2007. A courtesy Notice of Abandonment was mailed on April 17, 2007.

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 set forth in 37 CFR 1.17(m); currently $750, (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition lacks item (2), the required reply. The amendment submitted with the petition does not place the application in condition for allowance.

On renewed petition, petitioner must submit a proper reply in response to the final Office action. The proposed reply to a final Office action required for consideration of a petition to revive must be either (1) a Notice of Appeal (and fee required by law); (2) the filing of a continuing application under 37 CFR 1.53(b) or if applicable, 1.53(d); or (3) a request for a continuing examination (RCE) under 37 CFR 1.114.

Applicant's petition to accept unintentionally delayed claim for priority will be considered at such time as applicant files a grantable petition under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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In re Application of	:	
R. Stephens Tull	:	
Application No. 11/019,704	:	ON PETITION
Filed: December 22, 2004	:	
Attorney Docket No. 101253.010100	:	

This is a decision on the renewed petition to revive under 37 CFR 1.137(b), filed June 27, 2008.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a **proper** response to the final Office action mailed September 11, 2006, which set a shortened statutory period for reply of three (3) months. On March 12, 2007 applicant filed a three month extension of time, made timely by including a Certificate of Mailing dated March 8, 2007. However, the extension of time was not accompanied by a proper response. As such, the application became abandoned on March 12, 2007. A courtesy Notice of Abandonment was mailed on April 17, 2007. Applicant filed a petition to revive under 37 CFR 1.137(b) on February 4, 2008, together with a petition to accept an unintentionally delayed priority claim. The petition to revive was dismissed in a decision mailed on June 27, 2008. The petition was dismissed because the amendment submitted with the

petition did not place the application in condition for allowance. In addition, the decision noted that the petition to accept the unintentionally delayed priority claim would be decided after the application was revived.

With the instant petition, applicant submitted a proper reply in the form of a Request for Continued Examination, and made the proper statement of unintentional delay. The petition fee was previously submitted with the petition filed on February 4, 2008.

The application is being retained in the Office of Petitions for consideration of the petition to accept an unintentionally delayed priority claim, filed February 4, 2008.

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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OFFICE OF PETITIONS

In re Application of	:
R. Stevens Tull	:
Application No. 11/019,704	: DECISION ON PETITION
Filed: December 22, 2004	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 101253.010100	:

This is a decision on the "PETITION TO ACCEPT UNINTENTIONALLY DELAYED DOMESTIC PRIORITY CLAIM UNDER 35 USC 120 AND/OR 119(e)", filed February 4, 2008, which is being treated as a petition under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed provisional application No. 60/532,794, as set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The reference to add the above-noted provisional application is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Note MPEP §§ 201.06(c) and 608.04(b).

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Petitions Attorney Cliff Congo at (571) 272-3207.

Anthony Knight
Supervisor
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:
R. Stevens Tull	:
Application No. 11/019,704	: DECISION ON PETITION
Filed: December 22, 2004	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 101253.010100	:

This is a decision on the "RENEWED PETITION TO ACCEPT UNINTENTIONALLY DELAYED DOMESTIC PRIORITY CLAIM UNDER 35 USC 120 AND/OR 119(e)", filed September 25, 2008, which is being treated as a petition under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed provisional application No. 60/532,794, as set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) 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 filed a petition under 37 CFR 1.78(a)(3) on February 4, 2008. However, the petition was dismissed in a decision mailed on September 2, 2008. The decision explained that the amendment submitted with the petition was not acceptable because it improperly incorporated by

reference the provisional application. The incorporation by reference statement was improper because it was not present on filing. See Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Note MPEP §§ 201.06(c) and 608.04(b).

With the instant renewed petition, petitioner has submitted an Amendment removing the incorporation by reference statement to the provisional application.

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 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 application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Petitions Attorney Cliff Congo at (571) 272-3207. 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 3617 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, as well as the RCE filed June 27, 2008.

Any questions concerning this matter may be directed to Petitions Attorney Cliff Congo at (571) 272-3207.

Anthony Knight
Supervisor
Office of Petitions

Enc: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/019,704	12/22/2004	3617	565	101253.010100	6	3

CONFIRMATION NO. 2212

CORRECTED FILING RECEIPT

OC000000032648323

67395
GREENBERG TRAURIG, LLP
200 PARK AVE.
P.O. BOX 677
FLORHAM PARK, NJ 07932

Date Mailed: 10/17/2008

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)

R. Stevens Tull, Barnegat, NJ;

Power of Attorney: The patent practitioners associated with Customer Number 67395

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/532,794 12/23/2003

Foreign Applications

If Required, Foreign Filing License Granted: 01/31/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/019,704**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Hardtop structure for boat and method for making the structure

Preliminary Class

114

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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DIW Mar-06

BUCHANAN INGERSOLL PC
(INCLUDING BURNS, DOANE, SWECKER & MATHIS)
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

COPY MAILED

MAR 27 2006

OFFICE OF PETITIONS

In re Application of	:	
Huang et al.	:	DECISION ON PETITION
Application No. 11/019,729	:	
Filed: 23 December, 2004	:	
Atty Docket No. 1015290-000934	:	

This is a decision on the petition, filed on 13 February, 2006, under 37 CFR 1.137(f) which is treated as a petition to revive the above-identified nonprovisional application under the unintentional provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

Petitioner states that the present nonprovisional application is the subject of a foreign or international application filed on 15 December, 2005. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

(1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;

(2) the petition fee as set forth in 37 CFR 1.17(m); and

(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The present petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded.

It is noted that petitioner filed a Request to Rescind the Nonpublication Request concurrently with the present petition. A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing, showing the projected publication date of 29 June, 2006, was mailed on 21 February, 2006.

The application is being referred to Technology Center Art Unit 1763 for examination in due course.

Any inquiries concerning this decision may be directed to the undersigned at 571.272.3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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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WOODCOCK, WASHBURN, KURTZ,
MACKIEWICZ & NORRIS
ONE LIBERTY PLACE - 46TH FLOOR
PHILADELPHIA, PA 19103

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NOV 09 2006

OFFICE OF PETITIONS

In re Application of	:	
MUMICK, et al.	:	
Application No. 11/019,754	:	DECISION ON PETITION
Filed: December 21, 2004	:	TO WITHDRAW
Attorney Docket No. KIRU-0078	:	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 21, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Peter M. Ullman of WOODCOCK WASHBURN LLP has been revoked by the assignee of the patent application on October 5, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **Ashok Tankha**
Of Counsel, Lipton, Weinberger & Husick
36 Greenleigh Drive
Sewell NJ 08080

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/019,754	12/21/2004	Inderpal Singh Mumick	KIRU-0078

CONFIRMATION NO. 2325

OC000000021179111

Woodcock Washburn Kurtz Mackiewicz & Norris
One Liberty Place - 46th Floor
Philadelphia, PA 19103

Date Mailed: 11/09/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/05/2006.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

MONICA A GRAVES
OP (571) 272-7253

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/019,754	12/21/2004	Inderpal Singh Mumick	KIRU-0078

CONFIRMATION NO. 2325

OC000000021179112

Ashok Tankha
COUNSEL LIPTON WEINBERGER & HUSICK
36 Greenleigh Drive
Sewell, NJ 08080

Date Mailed: 11/09/2006

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/05/2006.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

MONICA A GRAVES
OP (571) 272-7253

ATTORNEY/APPLICANT COPY

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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ASHOK TANKHA
COUNSEL LIPTON WEINBERGER & HUSICK
36 GREENLEIGH DRIVE
SEWELL, NJ 08080

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JAN 17 2007

OFFICE OF PETITIONS

In re Application of	:	
Inderpal Singh Mumick et al	:	
Application No. 11/019,754	:	ON PETITION
Filed: December 21, 2004	:	
Attorney Docket No. KIRU-0078	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 4, 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 July 3, 2006, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on October 4, 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; (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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MICHELLE BUGBEE
THE TOP-FLITE GOLF COMPANY
425 MEADOW STREET
P.O. BOX 901
CHICOPEE, MA 01021-0901

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FEB 04 2005

OFFICE OF PETITIONS

In re Application of	:	
Thomas J. Kennedy III et al	:	
Application No. 11/019,755	:	NOTICE
Filed: December 21, 2004	:	
Attorney Docket No.		

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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KRAMER & AMADO, P.C.
1725 DUKE STREET
SUITE 240
ALEXANDRIA VA 22314

COPY MAILED

JUL 1 0 2009

OFFICE OF PETITIONS

In re Application of :
Alex Audu et al. :
Application No. 11/019,758 : ON PETITION
Filed: December 21, 2004 :
Attorney Docket No.: **139307** :

This is a decision on the petition filed June 18, 2009, under 37 CFR 1.137(b)[1], to revive the above-identified application.

The petition is **GRANTED**.

The application was held abandoned on February 3, 2009, for failure to timely submit a timely response to the Final Office Action mailed October 31, 2008, which set a three month period for reply. Accordingly, after the filing of the instant petition, a Notice of Abandonment was mailed June 18, 2009.

In response, the Notice of Appeal and the Pre-Appeal Brief Request for Review filed June 18, 2009 are both being referred to Technology Center 2444.

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 an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

UNITED STATES PATENT AND TRADEMARK OFFICE

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IBM CORPORATION
INTELLECTUAL PROPERTY LAW
11501 BURNET ROAD
AUSTIN TX 78758

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
Venkata R. JAGANA et al. :
Application No. 11/019,766 : DECISION ON PETITION
Filed: December 21, 2004 :
Attorney Docket No. **BEA920040023US1** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 26, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before December 08, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed September 08, 2008. Accordingly, the date of abandonment of this application is December 09. 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755 and the publication fee of $300, (2) the petition fee of $1620; and (3) a proper statement of unintentional delay. Accordingly, the failure to timely pay the issue fee as required by the Notice of Allowance and Fee(s) is accepted as being unintentionally delayed.

A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to the Office of Data Management for processing into a patent.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **ROCHELL LIBERMAN**
802 STILL CREEK LANE
GAITHERSBURG MD 20878

PTO/SB/64 (12-08)
Approved for use through 01/31/2009. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional) BEA920040023US1

First named inventor: Jagana et al.

Application No.: 11/019766 Art Unit: 2617

Filed: 12/21/2004 Examiner: Mitchell, Nathan A.

Title: Method of Reestablishing Communication By A Mobile Node Upon Recovery From An Abrupt Shut Down

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee
☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☑ Other than small entity – fee $ 1,620.00 (37 CFR 1.17(m))

2. Reply and/or fee
A. The reply and/or fee to the above-noted Office action in the form of Issue Fee Transmittal (identify type of reply):

☐ has been filed previously on _____.
☑ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ 1,740.00.
☐ has been paid previously on _____.
☑ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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.

3. Terminal disclaimer with disclaimer fee

☑ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

/Rochelle Lieberman/	January 26, 2009
Signature	Date
Rochelle Lieberman	39,276
Typed or printed name old Address	Registration Number, if applicable
802 Still Creek Lane	301-948-7775
Address	Telephone Number
Gaithersburg, MD 20878	
Address	

Enclosures:
- ☑ Fee Payment
- ☑ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☑ Other: Fee Transmittal, Fee Address, and Change of Correspondence Address Forms

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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WOODCOCK WASHBURN LLP
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PHILADELPHIA, PA 19103

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MAY 23 2006

OFFICE OF PETITIONS

In re Application of	:	
Christopher G. Daily et al	:	
Application No. 11/019,777	:	DECISION GRANTING PETITION
Filed: December 21, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. FCI-2836/C3624	:	

This is a decision on the petition, filed May 15, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 25, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2833 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission), which includes the following language thereon: "The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee in the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).*

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Konstantine J. Diamond
4010 E. 26th Street
Los Angeles, CA 90023

Mail Date: 07/14/2010

Applicant	: Sean T. Ogburn	: DECISION ON REQUEST FOR
Patent Number	: 7640867	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/019,778	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **746** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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PLEASANTON, CA 94566

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FEB 04 2010

OFFICE OF PETITIONS

In re Application of
Gregory P. KNOWLES, et *al.*
Application No. 11/019,807
Filed: December 20, 2004
Attorney Docket No. **KNO-001**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 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 Darien K. Wallace on behalf of all attorneys of record who are associated with customer No. 47713. All attorneys/agents associated with the Customer Number 47713 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.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **GREGORY P. KNOWLES**
38 MONTROSE AVENUE
NETHERBY, SOUTH AUSTRALIA 5062

UNITED STATES PATENT AND TRADEMARK OFFICE

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201 THIRD STREET, N.W.
SUITE 1340
ALBUQUERQUE NM 87102

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OFFICE OF PETITIONS

In re Application of

Brad Adams

Application No. 11/019,809

Filed: December 20, 2004

Attorney Docket No. 31796-1001-UT

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed, December 11, 2007, the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 7, 2007, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on August 8, 2007.

The amendment filed December 11, 2007, is noted.

The address cited on the petition differs from the address of record. Although a courtesy copy of this decision is being mailed to the address as cited on the petition, all future correspondence will be mailed solely to the address of record until appropriate written instructions to the contrary are received.

The application is being forwarded to Technology Center 2800, GAU 2835 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:
Paul Adams
901 Rio Grande Blvd. NW
Suite 262H
Albuquerque, NM 87104

UNITED STATES PATENT AND TRADEMARK OFFICE

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KARSTEN MANUFACTURING CORPORATION
LEGAL DEPARTMENT
2201 WEST DESERT COVE
PHOENIX AZ 85029

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AUG 2 5 2005

OFFICE OF PETITIONS

In re Application of	:
Souza, et al.	:
Application No. 11/019,814	: DECISION ACCORDING STATUS
Filed: December 21, 2004	: UNDER 37 CFR 1.47(a)
Attorney Docket No. KMC-630	:
For: GOLF CLUB HEAD WITH PIXELLATED SUBSTRATE	:

This is in response to the petition under 37 CFR 1.47(a), filed July 25, 2005.

The petition is granted.

Petitioners have shown that the non-signing inventor, David E. Wright, 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 Agent Darrell F. Marquette establishes that the inventor was mailed the application papers, including the specification, claims and drawings, but failed to respond to requests that he sign the declaration for patent application. In addition, the inventor has engaged in a pattern of avoidance by not replying to telephone calls from Mr. Marquette and by refusing to commit to signing the declaration when telephone conversations took place. Petitioners have submitted a declaration in compliance with 37 CFR 1.63 and 1.64. Regarding fees, petitioners' deposit account was charged a $500.00 search fee, a $300.00 filing fee, a $200.00 examination fee, a $200.00 petition fee, a $130.00 late declaration surcharge, and a $450.00 extension of time fee.

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 returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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DAVID E. WRIGHT
8529 W. CAROL AVE.
PEORIA, AZ 85345

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AUG 2 5 2005

OFFICE OF PETITIONS

In re Application of	:	
Wright, et al.	:	
Application No. 11/019,814	:	
Filed: December 21, 2004	:	LETTER
Attorney Docket No. KMC-630	:	
For: GOLF CLUB HEAD WITH PIXELLATED SUBSTRATE	:	

Dear Mr. Wright:

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: KARSTEN MANUFACTURING CORPORATION
LEGAL DEPARTMENT
2201 WEST DESERT COVE
PHOENIX AZ 85029

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OFFICE OF PETITIONS

In re Application of	:
Wright, et al.	:
Application No. 11/019,815	: DECISION ACCORDING STATUS
Filed: December 21, 2004	: UNDER 37 CFR 1.47(a)
Attorney Docket No. KMC-629	:
For: GOLF CLUB HEAD WITH UNIFORM RESPONSE FRONT FACE	:

This is in response to the petition under 37 CFR 1.47(a), filed July 25, 2005.

The petition is granted.

Petitioners have shown that the non-signing inventor, David E. Wright, 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 Agent Darrell F. Marquette establishes that the inventor was mailed the application papers, including the specification, claims and drawings, but failed to respond to requests that he sign the declaration for patent application. In addition, the inventor has engaged in a pattern of avoidance by not replying to telephone calls from Mr. Marquette and by refusing to commit to signing the declaration when telephone conversations took place. Petitioners have submitted a declaration in compliance with 37 CFR 1.63 and 1.64. Regarding fees, petitioners' deposit account was charged a $200.00 petition fee, a $130.00 late declaration surcharge, and a $450.00 extension of time fee.

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 returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

E Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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DAVID E. WRIGHT
8529 W. CAROL AVE.
PEORIA, AZ 85345

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OFFICE OF PETITIONS

In re Application of
Wright, et al.
Application No. 11/019,815
Filed: December 21, 2004
Attorney Docket No. KMC-629
For: GOLF CLUB HEAD WITH UNIFORM RESPONSE FRONT FACE

LETTER

Dear Mr. Wright:

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: KARSTEN MANUFACTURING CORPORATION
LEGAL DEPARTMENT
2201 WEST DESERT COVE
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OFFICE OF PETITIONS

In re Application of	:
Wright	:
Application No. 11/019,816	: DECISION REFUSING STATUS
Filed: December 21, 2004	: UNDER 37 CFR 1.47(b)
Attorney Docket No. KMC-633	:
For: GOLF CLUB HEAD WITH MULTIPLE INSERT FRONT FACE	:

This is in response to the petition under 37 CFR 1.47(b), filed July 25, 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(b)" 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 December 21, 2004 without an executed declaration. On March 23, 2005, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath/declaration and a surcharge for its late filing.

In response, on July 15, 2005, petitioner submitted authorization to charge a $130.00 late declaration surcharge, a $450.00 extension of time fee, and a $200.00 petition fee to deposit account no. 11-0222 and a Rule 47 petition.[1] The petition is accompanied by a declaration by Agent Darrell F. Marquette that establishes that the inventor was mailed the application papers, including the specification, claims and drawings, but failed to respond to requests that he sign the declaration for patent application. In addition, the inventor has engaged in a pattern of avoidance by not replying to telephone calls from Mr. Marquette and by refusing to commit to signing the declaration when telephone conversations took place. The petition includes an executed

[1] The authorized charges were made to deposit account no. 11-0222 on July 26, 2005.

assignment agreement that shows Mr. Wright has an obligation to assign this invention to his former employer, Karsten Manufacturing Corporation.

A grantable petition under 37 CFR 1.47(b) 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 executed oath or Declaration,
(3) the fee of $200.00 as specified in 37 CFR § 1.17(g),
(4) the last known address of the omitted inventor(s),
(5) proof of proprietary interest, and
(6) proof of irreparable damage.

This petition lacks items (2) and (6) above.

Regarding (2), the Office has no record of receiving an executed declaration for this application. Please submit a declaration that lists identifying information for the sole inventor and is executed by a representative of the party in interest who has the authority to bind the party in interest. Typically this individual is an office bearer -- president, vice president, treasurer, or secretary -- of the party in interest. The person signing the declaration must provide his/her title and explain his/her relationship to Mr. Wright. Mr. Wright's signature block should be left blank.

As to item (6), Rule 47 applicant failed to provide proof of irreparable damage (see MPEP 409.03(g)). A statement by Rule 47 applicant that the filing is necessary to preserve the rights of the parties would be sufficient.

Further correspondence with respect to this matter should be addressed as follows:

By mail:
Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX:
(571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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KARSTEN MANUFACTURING CORPORATION
LEGAL DEPARTMENT
2201 WEST DESERT COVE
PHOENIX AZ 85029

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OFFICE OF PETITIONS

In re Application of	:
Wright	:
Application No. 11/019,816	: DECISION ACCORDING STATUS
Filed: December 21, 2004	: UNDER 37 CFR 1.47(b)
Attorney Docket No. KMC-633	:
For: GOLF CLUB HEAD WITH MULTIPLE INSERT FRONT FACE	:

This is in response to the reconsideration petition under 37 CFR 1.47(b), filed August 31, 2005.

The petition is GRANTED.

Petitioner has shown that the non-signing inventor, David E. Wright, has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, a declaration by Agent Darrell F. Marquette establishes that the inventor was mailed the application papers, including the specification, claims and drawings, but he failed to respond to requests that he sign the declaration for patent application. In addition, the inventor has engaged in a pattern of avoidance by not replying to telephone calls from Mr. Marquette and by refusing to commit to signing the declaration when telephone conversations took place. The petition includes an executed assignment agreement that shows Mr. Wright has an obligation to assign this invention to his former employer, Karsten Manufacturing Corporation. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64 and petitioner has shown that such action is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3230

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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DAVID E. WRIGHT
8529 W. CAROL AVENUE
PEORIA, AZ 85345

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OFFICE OF PETITIONS

In re Application of	:
Wright	:
Application No. 11/019,816	: DECISION ACCORDING STATUS
Filed: December 21, 2004	: UNDER 37 CFR 1.47(b)
Attorney Docket No. KMC-633	:
For: GOLF CLUB HEAD WITH MULTIPLE INSERT FRONT FACE	:

Dear Mr. Wright:

You are named as the sole inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 118 (United States Code), and 37 CFR **1.47(b),** Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole 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:

KARSTEN MANUFACTURING CORPORATION
LEGAL DEPARTMENT
2201 WEST DESERT COVE
PHOENIX AZ 85029

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WOMBLE CARLYLE SANDRIDGE & RICE, PPLC
CHEVRON PHILLIPS CHEMICAL COMPANY LP
P.O. BOX 7037
ATLANTA GA 30357-0037

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MAR 3 1 2005

OFFICE OF PETITIONS

In re Application of :
Yu, et al. :
Application No. 11/019,817
Deposited: December 21, 2004 : DECISION GRANTING
Attorney Docket No. C51757 0651.2 : PETITION

This is a decision on the petition under 37 CFR 1.182, filed February 28, 2005, requesting in effect, withdrawal of the Notice of Incomplete Nonprovisional Application, mailed February 3, 2005 and accordation of a December 21, 2004 filing date to the above-identified application.

The application was deposited on December 21, 2004. On February 3, 2005, the Office of Initial Patent Examination mailed a Notice informing petitioners that no filing date had been accorded to the application papers deposited on December 21, 2004 because no drawing was present, as is required by 35 U.S.C. 113. In response to the Notice, petitioners timely filed the present petition.

It is noted that the above-identified application contains process claims. As stated in MPEP 601.01(f), it is the practice of the PTO to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence.)

MPEP 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figures in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g), so long as the application contains something that can be construed as a written description.

This application contains process claims. Therefore, the above-identified application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g).

MPEP 601.01(g) states that if an application is filed without all of the drawing figures referred to in the specification, a "Notice of Omitted Items" is mailed indicating that the application has been accorded a filing date.

In view of the above, the "Notice" mailed February 3, 2005 was mailed in error and is hereby withdrawn. The petition is **granted**. Pursuant to petitioners' authorization, deposit account no. 09-0528 will be credited the $400.00 fee submitted with the instant petition.

Regarding addition of the drawing figures:

MPEP 201.06(c) states that:

> . . .If a continuation of 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)...may be added by amendment provided the omitted item(s) contains only subject matter in common with such prior application(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 the figures be added to the application, the appropriate procedure is by way of amendment requesting the entry of the figures.

Petitioners could attempt to add the drawings via 37 CFR 1.57(a), as an alternative.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **December 21, 2004**. The drawing figures submitted with the instant petition will not be processed at this time.

Thereafter, the application will be forwarded to Technology Center 1700 for examination in due course.

Telephone inquiries specific to this matter 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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DAVIDSON, DAVIDSON & KAPPEL, LLC
485 7TH AVENUE
14TH FLOOR
NEW YORK NY 10018

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In re Application of	:	
Buerger et al.	:	
Application No. 11/019,822	:	DECISION ON PETITION
Filed: December 22, 2004	:	
Attorney Docket No. 5042.1002	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 4, 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 May 28, 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 timely obtained. Accordingly, the application became abandoned on November 29, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $1,620.00, and (3) an adequate statement of unintentional delay.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office. It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. While, a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

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, three month extension of time fee submitted on December 4, 2008 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 Joan Olszewski at (571) 272-7751.

This application is being referred to Technology Center AU 3656 for appropriate action by the Examiner in the normal course of business on the reply received.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Anthony R. Carlis
Baker & Hosteller LLC
1050 Conn. Ave. N.W.
Washington DC 20036

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 21 2005

KALOW & SPRINGUT LLP
488 MADISON AVENUE
19TH FLOOR
NEW YORK NY 10022

In re Application of	:
Devin Leake et al	:
Serial No.: 11/019,831	: PETITION TO MAKE SPECIAL
Filed: December 22, 2004	:
Attorney Docket No.: 13636	:

This is in response to applicants' petition filed June 2, 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, VIII. Therefor the petition is **GRANTED**.

The following condition applies to the grant of this petition: If, upon examination, it is determined that a restriction requirement is necessary because of multiple inventions being claimed, applicant will be required to make an election without traverse of a single invention to be prosecuted. Failure to make an election without traverse will void the special status accorded in this decision.

The application will be forwarded the examiner for action on the merits commensurate with this decision.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at the general Office facsimile number, 571-273-8300.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

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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	:	
Geoffrey D. Ralston et al.	:	
Application No. 11/019,839	:	DECISION ON PETITION
Filed: December 21, 2004	:	TO WITHDRAW
Attorney Docket No. 017887-007110US	:	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 29, 2005.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to Philip H. Albert and all attorneys/agents of record has been revoked by the assignee of the patent application on November 17, 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: Yahoo c/o Mofo Palo Alto
755 Page Mill Road
Palo Alto, CA 94304

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LYON & HARR, LLP
300 ESPLANADE DRIVE, SUITE 800
OXNARD CA 93036

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MAY 1 8 2005

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
WILSON, ANDREW, et al
Serial No.: 11/019,876
Filed: December 20, 2004
For: **SYSTEM AND PROCESS FOR SELECTING OBJECTS IN A UBIQUITOUS COMPUTING ENVIRONMENT**

DECISION ON PETITION
ACCEPTANCE OF COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed, March 9, 2005, requesting acceptance of color drawings.

The petition requests that the color drawings identified in figures 12-13C, 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

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United States Patent and Trademark Office
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Tyco Healthcare Group LP
60 MIDDLETOWN AVENUE
NORTH HAVEN, CT 06473

Mail Date: 04/21/2010

Applicant	: Thomas J. Fogarty	: DECISION ON REQUEST FOR
Patent Number	: 7588584	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/019,889	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **570** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

DILWORTH & BARRESE, LLP
333 EARLE OVINGTON BLVD.
UNIONDALE, NY 11553

In re Application of :
Larry L. Bradford, et al. :
Application No. 11/019,892 : ON PETITION
Filed: December 21, 2004 :
Attorney Docket No. 1321-2 PCT CIP :

This is a decision on the petition under 37 CFR 1.10(c), filed January 5, 2006, requesting that the above-identified application be accorded a filing date of December 22, 2004, rather than the presently accorded date of December 21, 2004. The petition is properly treated as a petition under 37 CFR 1.10(c).

The petition is **GRANTED**.

Applicants request the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on December 22, 2004 pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV 503876135 US showing a stamped postal date of December 22, 2004. The same Express Mail receipt number was placed on the original application papers found in the file.

Further, an independent search was made of the USPS Express Mail Track and Confirm records, which resulted in a finding that the package in question was in fact accepted and enroute on December 22, 2004 at the Garden City, NY USPS. Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on December 22, 2004. Accordingly, the instant application is entitled to a filing date of December 22, 2004, and has been so accorded.

Telephone inquiries concerning this matter may be directed to Retta Williams at (571) 272-3229.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of** December 22, 2004.

Frances Hicks
Frances Hicks
Petitions Examiner
Office of Petitions

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FAY SHARPE LLP
1100 SUPERIOR AVENUE, 7TH FLOOR
CLEVELAND, OH 44114

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OFFICE OF PETITIONS

In re Application of	:	
BLANKENSHIP, et al.	:	
Application No. 11/019,893	:	DECISION GRANTING PETITION
Filed: December 23, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. LEEE 200482-3	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 12, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is GRANTED.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 18, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 3742 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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HAHN LOESER / LINCOLN
ONE GOJO PLAZA
SUITE 300
AKRON, OH 44311-1076

Mail Date: 04/20/2010

Applicant	: George D. Blankenship	: DECISION ON REQUEST FOR
Patent Number	: 7573000	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/019,893	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

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MAY 2 4 2005

OFFICE OF PETITIONS

In re Application of :
Borghs et al. :
Application No. 11/019,908 : Decision on Petition
Filed: December 21, 2004 :
Attorney Docket No. IMEC319.001AUS :

This is a decision on the petition filed March 28, 2005, to accord the above-identified application a filing date of December 21, 2004.

The petition is **granted**.

The application was filed on December 21, 2004. The five sheets of drawings were inadvertently omitted.

On February 1, 2005, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded and the filing date would be the date of receipt of the drawings.

In response, the present petition alleges that drawings are not "necessary for the understanding of the subject matter sought to be patented" within the meaning of 35 USC 113.

MPEP 601.01(f) states that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

This application contains disclosure directed to a process or method. Therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g). MPEP 601.01(g) states that if an application is filed without all of the drawing figure(s) referred to in the specification, a "Notice of Omitted Item(s)," and not a "Notice of Incomplete Application," is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

During examination, if the examiner determines drawings are necessary under 35 USC 113, he may reconsider the filing date issue and have the Office of Initial Patent Examination (OIPE) mail a Notice of Incomplete Application. See MPEP 601.01(f).

In view of the above, the "Notice" mailed February 1, 2005, was mailed in error and is hereby withdrawn.

The drawings filed on February 10, 2005, in response to the Notice will not be entered as part of the application. If petitioner wishes to add the drawings, a formal preliminary amendment should be filed. Any amendment filed seeking to add the missing figures will be considered by the examiner for entry of new matter not described in the application as filed.

The $130 fee submitted for the petition will be credited to petitioner's deposit account.

The Office of Initial Patent Examination will be informed of the instant decision and will further process the application using a filing date of December 21, 2004, and using only the application papers filed on December 21, 2004.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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BRISTOL-MYERS SQUIBB COMPANY
C/O MOFO
12531 HIGH BLUFF DRIVE, STE. 100
SAN DIEGO CA 92130

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MAR 2 9 2010

OFFICE OF PETITIONS

In re Application of	:	
SANTI, Daniel et al.	:	
Application No. 11/019,909	:	DECISION ON PETITION
Filed: December 21, 2004	:	TO WITHDRAW
Attorney Docket No. **300622005410**	:	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 18, 2009.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request does not include an acceptable current correspondence address for future communications from the Office.

Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer Number Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (Form PTO/SB/83).

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 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **Customer# 23914**
LOUIS J. WILLE
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P O BOX 4000
PRINCETON, NJ 08543-4000

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DLA PIPER US LLP
2000 UNIVERSITY AVENUE
E. PALO ALTO, CA 94303-2248

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In re Application of	:	
GOEL, et al.	:	
Application No. 11/019,916	:	DECISION ON PETITION
Filed: December 20, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. **364930-991150**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 7, 2008, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely pay the issue/publication fees and failure to submit corrected drawings on or before February 1, 2008, as required by the Notices of Allowance/Allowability, mailed November 1, 2007. Accordingly, the date of abandonment of this application is February 2, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $720, the publication fee of $300, and corrected drawing(s); (2) the petition fee of $770; 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 the Office of Data Management for processing into a patent.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MEDTRONIC
Attn: Noreen Johnson - IP Legal Department
2600 Sofamor Danek Drive
MEMPHIS, TN 38132

Mail Date: 04/21/2010

Applicant	: Hugues F. Malandain	: DECISION ON REQUEST FOR
Patent Number	: 7618418	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/019,918	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/20/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1366** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

In re Application of Wybenga and Sturm Application No. 11/019,935 Filed: December 21, 2004 Title: PACKET COUNTERS AND PACKET ADDERS FOR TRAFFIC PROFILING IN A MULTIPROCESSOR ROUTER	DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed on April 20, 2005.

The petition is granted.

Petitioner has shown that Jack C. Wybenga, the non-signing inventor, has refused to join in the filing of the above-identified application after having been mailed the application papers. Specifically, the statement of facts of John T. Mockler establishes that petitioner mailed the application papers, including the specification, claims and drawings by certified mail return,receipt requested to the last known address of the non-signing inventor. Maria E. Wybenga signed the return receipt. Copies of the letter and the return receipt accompany the petition.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the present petition. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being referred to Technology Center Art Unit 2661 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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DALLAS, TX 75380

Mail Date: 06/02/2010

Applicant	: Jack C. Wybenga	: DECISION ON REQUEST FOR
Patent Number	: 7626990	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/019,935	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1379** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

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OFFICE OF PETITIONS

In re Application of	:	
Gee Sung Chae, Woo Hyun Kim, Yong Bum Kim	:	DECISION GRANTING STATUS
and Jin Wuk Kim	:	UNDER 37 CFR 1.47(a)
Application No.11/019,946	:	
Filed: December 23, 2004	:	
Attorney Docket Number: 049128-5203	:	
Title of Invention: Thin Film Transistor Array	:	
Substrate and Fabricating Method Thereof	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed July 29, 2005.

The petition is GRANTED.

Petitioner has shown that the non-signing inventor can not be reached or located and diligent effort has been used to locate the inventors. The efforts outlined by rule 47 applicant demonstrate diligent effort was used to attempt to locate non-signing inventor Yong Bum Kim.

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.

Although $130.00 was submitted with the instant petition, deposit account 50-0310 will be charged $70.00 toward the current $200.00 petition fee.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Yong Bum Kim
138-240 Sincheon-dong, Songpa-gu
Jangmi Apartment # 27-1311
Seoul, Republic of Korea

COPY MAILED

AUG 1 8 2005

OFFICE OF PETITIONS

In re Application of
Gee Sung Chae, Woo Hyun Kim, Yong Bum Kim and Jin Wuk Kim
Application No.11/019,946
Filed: December 23, 2004
Attorney Docket Number: 049128-5203
Title of Invention: Thin Film Transistor Array Substrate and Fabricating Method Thereof

LETTER

Dear Mr. Kim:

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, attorney or agent (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

Charlema R. Grant
Petitions Attorney
Office of Petitions

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004
ATTN: KYLE J. CHOI

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON, MA 02109

Mail Date: 04/26/2010

Applicant	: Shinichi Fujisawa	: DECISION ON REQUEST FOR
Patent Number	: 7576946	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/019,949	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **753** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 04/20/2010

Applicant	: Maarten Rosmeulen	: DECISION ON REQUEST FOR
Patent Number	: 7569882	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/019,953	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **100** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.

LAW OFFICE OF MORRIS E. COHEN
1122 CONEY ISLAND AVENUE
SUITE 217
BROOKLYN NY 11230

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MAR 13 2009

OFFICE OF PETITIONS

In re Application of :
Edward Dayan : DECISION ON PETITION
Application No. 11/019,957 :
Filed: December 22, 2004 :
Atty Docket No. 5024.006.200 :

This is in response to the "Request for Withdrawal of Notice of Abandonment dated September 9, 2008" filed October 7, 2008.

The above-identified application was abandoned for failure to file a proper reply to the final Office action mailed January 9, 2008. This Office action set a shortened statutory period for reply of three (3) months from the mail date of the action. A reply, made timely by an accompanying petition for extension of time within the third month, was filed on July 9, 2008. However, the response was determined not to place the application in condition for allowance (See Advisory Action mailed August 6, 2008). No proper reply considered timely filed, the application became abandoned effective July 10, 2008. A courtesy Notice of Abandonment was mailed on August 6, 2008.

In response, applicants timely filed the instant petition. Applicants maintain that the notice of abandonment was mailed in error as the amendment and response filed July 9, 2008 was proper as it included an express request for continued examination meeting the requirements of 37 C.F.R. §1.114.

Petitioner's evidence has been reviewed, and is persuasive. The response, including an extension of time, is present in the application with a date of receipt of July 9, 2008. The response includes an express request for continued examination (RCE), authorization to charge the RCE fee and the submission in the form of an amendment. There is no indication that any attempt to charge the RCE fee was unsuccessful.

Accordingly, the Notice of Abandonment mailed August 6, 2008 and the holding of abandonment are hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

The fee for the RCE will be charged to the Deposit Account, as authorized.

The address set forth on the petition is different from the correspondence address of record (that of customer number 28083). A courtesy copy of this decision is being mailed to the address of the registered practitioner set forth on petition. All future correspondence will be mailed to the correspondence address of record as currently stated for customer number 28083, until such time as a proper change of correspondence address for the customer number (or otherwise) is filed and entered. Any change of correspondence address must be signed by a proper party. It is noted that a power of attorney to attorney Cohen is not of record and thus, he may not file a change of correspondence address in this application.

Technology Center AU 3724 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment, for processing of the RCE filed July 9, 2008 and for consideration by the examiner of the submission under 1.114 timely filed on July 9, 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

cc: Morris Cohen
Law Offices of Morris E. Cohen, P.C.
1 Penn Plaza, Suite 2527
New York, New York 10119

UNITED STATES PATENT AND TRADEMARK OFFICE

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1/8/08

SHAYGLENN LLP
2755 CAMPUS DRIVE
SUITE 210
SAN MATEO CA 94403

In re Application of:
Ohline, Robert M. et al
Serial No. 11/019,963
Filed: Dec. 20, 2004
Docket: 26427-704.311
Title: TENDON-DRIVEN ENDOSCOPE AND METHODS OF INSERTION

DECISION ON PETITION UNDER 37 CFR § 1.144 and § 1.181

This is a decision on the petition filed Dec. 14, 2007 under 37 CFR 1.181 requesting withdrawal of the restriction requirement in the Office Action dated Nov. 14, 2007. This petition is being treated as a petition under 37 CFR § 1.181. No fee is required. The petition fee $400.00 paid will be refunded upon request.

The petition is granted.

In finding petitioner's points of argument persuasive, the requested relief is granted. The restriction requirement issued on Nov. 14, 2007 has been withdrawn. The examiner has been instructed to issue an Office action to examine all claims in the case.

Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.

Frederick R. Schmidt, Director
Technology Center 3700

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DUGAN & DUGAN, PC
245 Saw Mill River Road
Suite 309
Hawthorne, NY 10532

Mail Date: 04/21/2010

Applicant	: John M. White	: DECISION ON REQUEST FOR
Patent Number	: 7625063	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/019,967	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1150** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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VIDAS, ARRETT & STEINKRAUS, P.A.
SUITE 400, 6640 SHADY OAK ROAD
EDEN PRAIRIE MN 55344

MAILED

JUL 09 2010

OFFICE OF PETITIONS

In re Application of
Brian J. Brown
Application No. 11/019,981
Filed: December 21, 2004
Attorney Docket No. S63.2-7223US03

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 July 8, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 16, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3734 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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DIW Jun-06

MATHEW RAYMUND NORTON
SUNNYBANK HILLS
24 DAPPER ST
BRISBANE 4109
AUSTRALIA

COPY MAILED

JUN 0 5 2006

OFFICE OF PETITIONS

In re Application of	:	
Mathew Raymund Norton	:	
Application No. 11/019,982	:	ON PETITION
Filed: 23 December, 2004	:	
For: CONCRETE RENOVATOR TOOL	:	

This is a decision in reference to the paper filed on 27 March, 2006, which is treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

This application became abandoned on 9 December, 2005, for failure to submit a timely response to the non-final Office action mailed on 8 September, 2005, which set a three (3) month shortened statutory period for reply. Petitioner attempted to file an amendment in response on 8 March, 2006, but the amendment was not accompanied by an extension of time. Notice of Abandonment was mailed on 14 March, 2006.

Petitioner asserts that a response was sent via the Australia Post Office, and was delivered on 6 March, 2006.

The showing of record is insufficient to withdraw the holding of abandonment.

37 CFR 1.135 states, in pertinent part:

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and 1.136, the application will become abandoned unless an Office action indicates otherwise

> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) must include such complete and proper reply as the condition of the application may require.

With regards to petitioner's contention that the papers were delivered to the USPTO on 6 March, 2006, the date that a paper is considered filed in the Office is the date of receipt as indicated by the stamped date of receipt.[1] A review of the official file reveals that the amendment was stamped with a receipt date of 8 March, 2006. As such, the amendment was filed on 8 March, 2006. Since the non-final Office action was mailed on 8 September, 2005, set a three (3) month shortened statutory period for reply, a three (3) month extension would have had to have been filed on 8 March, 2006, to make the reply timely. Since no extension of time was filed, the reply was not timely, and the application became abandoned as a matter of law on 9 December, 2005.

Furthermore, assuming, *arguendo*, petitioner's reply had been filed in the Office on 6 March, 2006, as opposed to 8 March, 2006, the reply would still have required a three (3) month extension of time. Since no extensions of time fees were ever paid, no extensions of time have been properly requested.

In this regard, it is further noted that on 24 October, 2005, petitioner filed a letter stating "I wish to apply for an extension of time to reply." However, no fees were ever paid. The extension of time fee must be paid with the request for extension of time.[2]

As petitioner clearly did not submit a timely response, the application was properly held abandoned.

Petitioner may wish to consider filing a petition to revive the application, accompanied by the proper fee. A copy of the form for filing a petition to revive under 37 CFR 1.137(b), and a copy of the fee schedule, is enclosed.

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision. **This period may not be extended.**[3]

---

[1] See 37 CFR §§ 1.6 and 1.8.

[2] 37 CFR 1.136(a).

[3] 37 CFR 1.181(f).

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

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Encl: PTO/SB/64
Fee Schedule

PTO/SB/64 (10-05)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	Date
Typed or printed name	Registration Number, if applicable
Address	Telephone Number
Address	

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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PARSONS HSUE & DE RUNTZ LLP
595 MARKET STREET
SUITE 1900
SAN FRANCISCO, CA 94105

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FEB 1 3 2006
OFFICE OF PETITIONS

In re Application of
Chi-Ming Wang, et al.
Application No. 11/019,990
Filed: December 20, 2004
Attorney Docket No.: SNDK.347US1

ON PETITION

This is a decision on the petition, filed February 10, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 23, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2827 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1]The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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MAY 12 2008

HELLER EHRMAN LLP
275 MIDDLEFIELD ROAD
MENLO PARK CA 94025-3506

In re Application of

TULLY, Timothy P. et al.
Application No. 11/020,026
Filed: December 21, 2004
Attorney Docket No. **2826.1003-003**

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 10, 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 Leslie Overman on behalf of all attorneys of record who are associated with customer No. 25213. All attorneys/agents associated with the Customer Number 25213 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 15, 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: **TIMOTHY P. TULLY**
28 FAIRWAY PLACE
COLD SPRING HARBOR, NY 11724

cc: **DON J. PELTO**
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
1300 I STREET, NW
11TH FLOOR EAST
WASHINGTON, DC 20005

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FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVENUE
NEW YORK, NY 10103-3198

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OFFICE OF PETITIONS

In re Application of	:	
Koji KITA	:	
Application No. 11/020,047	:	DECISION ON PETITION
Filed: December 21,2004	:	
Attorney Docket No. KIT-380	:	

This is a decision on the petition, filed May 29, 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 timely pay the issue and publication fees on or before March 31, 2009, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed December 31, 2008. A Notice of Abandonment was mailed on April 29, 2009.

Petitioner asserts that the Issue and Publication fees were transmitted to the Office on March 20, 2009. As evidence of this transmission, petitioner has submitted a copy of the Transmission Confirmation Report for the Part B – Fees Transmittal, which shows the Office did receive the Issue and Publication fees on March 20, 2009.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The above-identified application will be restored to pending status.

The Issue and Publication fees have been paid.

This application is being referred to the Office of Data Management for processing into a patent.

for Thurman K. Page
Petitions Examiner
Office of Petitions

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FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK, NY 10103-3198

Mail Date: 04/21/2010

Applicant	: Koji Kita	: DECISION ON REQUEST FOR
Patent Number	: 7589863	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/020,047	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1243** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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JUL 13 2005

In re Application of	:	
James McNulty	:	
Serial No. 11/020,053	:	DECISION ON PETITION
Filed: December 23, 2004	:	TO MAKE SPECIAL
For: GOLF PUTTING TRAINING DEVICE	:	

Applicant's petition, filed December 23, 2004, requests that this application be rendered special for examination in that applicant is over sixty-five (65) years of age.

The petition has been reviewed and is found to be in compliance with the requirements for special status as set forth in Section 708.02(IV) of the Manual of Patent Examining Procedure (MPEP).

PETITION GRANTED.

Richard A. Bertsch

Richard A. Bertsch, Director
Technology Center 3700

David Giglio, Esq.
231 Elizabeth Street
Utica, NY 13501

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C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

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OFFICE OF PETITIONS

In re Application of	:	
KIM	:	
Application No. 11/020,096	:	DECISION ON PETITION
Filed: December 27, 2004	:	TO WITHDRAW
Attorney Docket No. 262639US8	:	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 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 C. Irvin McClelland on behalf of all attorneys of record who are associated with Customer No. 22850. All attorneys/agents associated with the Customer No. 22850 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is no outstanding Office action that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Patricia Volpe at 571-272-6825.

Patricia Volpe
Petitions Examiner
Office of Petitions

cc: Hak-Dong Kim
216-904, Woncheon Jukong 2-danji Apt.,
Woncheon-dong, Paldal-ku
Suwon-city,
Kyungki-do, 442-380,
Korea

cc: Dongbu Electronics Co., Ltd.
Dongbu Electronics Al-Dong (FAB-Dong)
5th Floor, Technical Alliance (T/A) Team
Dodang-Dong 222-1, Wonmi-ku, Bucheon-Si
Kyunggi-Do, 420-807 KOREA

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/020,096	12/27/2004	Hak-Dong Kim	262639US8

CONFIRMATION NO. 1398

OC000000021271704

22850
C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 11/17/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/24/2006.

- 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.

PATRICIA A VOLPE
OP (571) 272-6825

FORMER ATTORNEY/AGENT COPY

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OTTAWA, ON
K2P - 1P9
CANADA

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MAY 1 1 2006

OFFICE OF PETITIONS

In re Application of	:	
Constantinos J Joannou	:	
Application No. 11/020,162	:	DECISION ON PETITION
Filed: December 27, 2004	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 5078-15-10	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 13, 2006 and resubmitted on April 19, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The petition includes a declaration by Constantinos J Joannou attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Wan Laymon at 571-272-3220.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1724 for action on the merits commensurate with this decision.

Wan Laymon

Wan Laymon
Petitions Examiner
Office of Petitions

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Robert F. Frijouf
Frijouf, Rust & Pyle, P.A.
201 East Davis Boulevard
Tampa, FL 33606

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AUG 1 5 2007

OFFICE OF PETITIONS

In re Application of

Flowers, et al. :

Application No. 11/020,173

: DECISION ON PETITION

Filed: December 27, 2004

:

Attorney Docket No. 2004-0108

This is a decision on the petition under 37 CFR 1.137(b), filed June 15, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 23, 2006, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on November 24, 2006. A Notice of Abandonment was mailed on March 27, 2007.

The amendment filed June 15, 2007, is noted.

The application is being forwarded to Technology Center 3600, GAU 3611 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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OFFICE OF PETITIONS

Oblon, Spivak, McClelland, Maier & Neustadt, P.C.
1940 Duke Street
Alexandria, VA 22314

In re Application of :

Hak-Dong Kim :
Application No. 11/020,238 :
Filed: December 27, 2004 :
Attorney Docket No. 262634US :

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 August 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 C. Irvin McClelland 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 Notice of Allowance and Fee(s) Due mailed April 9, 2007 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Oblon, Spivak, McClelland, Maier & Neustadt, P.C.**
1940 Duke Street
Alexandria, VA 22314

cc: **Dongbu Electronics Co., Ltd.**
Dongbu Electronics A1-Dong (FAB-Dong)
5th Floor, Technical Alliance (T/A) Team
Dodang-Dong 222-1, Wonmi-ku, Bucheon-Si
Kyunggi-Do, 420-807 Korea

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/020,238	12/27/2004	Hak-Dong Kim	262634US

CONFIRMATION NO. 1760

OC000000023422076

OC000000023422076

22850
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 04/18/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/24/2006.

- 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.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
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JUN - 2 2005

BLANK ROME LLP
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON DC 20037

In re Application of	:
Kenneth L. Beattie	:
Serial No.: 11/020,239	: PETITION TO MAKE SPECIAL
Filed: December 27, 2004	:
Attorney Docket No.: 114122-00188	:

This is in response to applicant's petition filed May 9, 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, VIII. (A), (B), (C), (D), and (E). The $130.00 petition fee as required by 37 CFR 1.17(h) will be charged to applicant's Deposit Account No. 23-2185, as directed. Therefore, the petition is **GRANTED**.

The application will be forwarded the examiner for action on the merits commensurate with this decision.

Should there be any questions with regard to this letter please contact Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at the general Office facsimile number, (703) 872-9306.

Marianne C. Seidel

Marianne C. Seidel
Special Program Examiner
Technology Center 1600

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OBLON SPIVAK MCCLELLAND
MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

In re Application of	:	
Jum Soo Kim et al	:	
Application No. 11/020,276	:	DECISION ON PETITION
Filed: December 27, 2004	:	TO WITHDRAW
Attorney Docket No. 262836US	:	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 10, 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 C. Irvin McClelland on behalf of all attorneys of record who are associated with customer No. 22850.

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 an outstanding Office action mailed March 15, 2007 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Jum Soo Kim
3-516, Sungwang APT., 409-5 Sinha-ri
Bubal-eup, Icheon, Kyunggido
Korea

cc: KBY & ASSOCIATES
15th Floor, YoSam Building, 648-23
Yeoksam-dong
Kangnam-ku
Seoul 135-748
Republic of Korea

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/020,276	12/27/2004	Jum Soo Kim	262836US

CONFIRMATION NO. 1326

OC000000023390359

OC000000023390359

22850
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 04/16/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/10/2006.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/020,276	12/27/2004	Jum Soo Kim	262836US

CONFIRMATION NO. 1326

OC000000023390365

OC000000023390365

JUM SOO KIM
3-516, SUNGWANG APT., 409-5 SINHA-RI
BUBAL-EUP, ICHEON
KYUNGGIDO,
KOREA, REPUBLIC OF

Date Mailed: 04/16/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/10/2006.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
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J JOHN SHIMAZAKI
PATENT OFFICE OF J JOHN SHIMAZAKI
PO BOX 650741
STERLING VA 20165

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OFFICE OF PETITIONS

In re Application of	:	
Gregory Stewart Cawthon	:	
Application No. 11/020,284	:	ON PETITION
Filed: December 23, 2004	:	
Title: Combination Glass Cleaning	:	
Station, Portable Sink and Ice Chest	:	

This is a decision on the petition to revive under 37 CFR 1.137(a), filed September 23, 2009.

The petition under 37 CFR 1.137(a) is **GRANTED**.

The above-identified application became abandoned for failure to reply to the Notice of Non-Compliant Amendment mailed March 2, 2009. This Notice set an extendable period for reply of one (1) month. No reply having been received, the application became abandoned on April 3, 2009. A Notice of Abandonment was mailed on September 15, 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(d). 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 argues that he timely filed a reply to the Notice of Non-Compliant Amendment via facsimile on March 12, 2009. In support thereof, petitioner has included a copy of an Amendment, bearing a timely Certificate of Transmission dated March 12, 2009.

In view of the above, it is concluded that petitioner has met his burden of establishing that the delay was unavoidable.

The application is being forwarded to Group Art Unit 3751 for consideration of the Amendment filed September 23, 2009 (Certificate of Mailing dated March 12, 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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[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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Mail Date: 04/20/2010

Applicant	: Shunsuke Watanabe	: DECISION ON REQUEST FOR
Patent Number	: 7604796	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/020,293	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/27/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1240** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 : 11/07/09

TO SPE OF : ART UNIT 2626

SUBJECT : Request for Certificate of Correction for Appl. No.: 11020302 Patent No.: 7590537

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9C62-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ■ **Approved** — **All** changes apply.
- ❑ **Approved in Part** — Specify below which changes **do not** apply.
- ❑ **Denied** — State the reasons for denial below.

Comments: _____

/David R. Hudspeth/ — SPE

2626 — Art Unit

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OFFICE OF PETITIONS

MCDERMOTT WILL & EMERY
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

In re Application of	:	
Ju-Young Seo	:	
Application No. 11/020,310	:	ON PETITION
Filed: December 27, 2004	:	
Attorney Docket No. 70679-033	:	

This is a decision on the petition, filed August 3, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 6, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2827 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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Paper No. _____

Date : August 4, 2006

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) :Ju-Young Seo
Application No. :11/020,310
Filed :December 27, 2004

The above-identified application has been assigned Patent No. 7,095,664 and an issue date of August 22, 2006.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of August 22, 2006:

"All reference to Patent No. 7,095,664 to Ju-Young Seo of Korea for SEMICONDUCTOR MEMORY DEVICE HAVING ENHANCED SENSE AMPLIFER appearing in the Official Gazette of August 22, 2006 should be deleted since no patent was granted."

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Paul Harrison, MDW-4B03,(FAX-273-5468)
Deneise Boyd, MDE-3D39 (FAX-273-5124)
Mary Louise McAskill, ST-8C15 (FAX 305-4372)
Niomi Farmer, ST-8C14 (FAX-305-4372)
Mary E. Johnson (Cookie), MDE-7C71 (FAX 273-0038
Duane Davis P/OPC MDE-7D89

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SAP / FINNEGAN, HENDERSON LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Mail Date: 04/23/2010

Applicant	: Alexander Gebhart	: DECISION ON REQUEST FOR
Patent Number	: 7606802	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/020,343	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **253** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE – 46TH FLOOR
PHILADELPHIA, PA 19103

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MAR 23 2006

Technology Center 2100

In re Application of: Malik, Dale W.
Application No. 11/020,369
Filed: December 22, 2004
For: SYSTEM AND METHOD FOR SORTING ELECTRONIC COMMUNICATIONS

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request To Withdraw from Representation filed August 09, 2005.

A grantable request to withdraw as attorney of record should indicate thereon the present mailing addresses of the attorney(s) who is/are withdrawing from the record and of the applicant. The request for withdrawal must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a). The effective date of withdrawal is the date of decision and not the date of request. See M.P.E.P. § 402.06. 37 C.F.R. § 10.40(a) further requires that the applicant or patent owner be notified of the withdrawal of the attorney or agent.

The request is **GRANTED**.

All future communications from the U.S. Patent and Trademark Office (Office) will be directed to the below-listed address until otherwise notified by applicant. This correspondence address is provided by the withdrawn attorney(s). Applicant is reminded of the obligation to promptly notify the Office of any change in correspondence address to ensure receipt of all communications from the Office.

for

Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security
571-272-3613

cc: WITHERS & KEYS FOR BELL SOUTH
P.O. BOX 71355
MARIETTA, GA 30007-1355

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AT & T Legal Department – WK
Attn: Patent Docketing
Room 2A-207
One AT & T Way
Bedminster, NJ 07921

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AUG 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Andy T. Nguyen	:	
Application No. 11/020,369	:	DECISION ON PETITION
Filed: May 12, 2001	:	TO WITHDRAW
Attorney Docket No. X-971 US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 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. 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 Jeramie J. Keys on behalf of attorney/agents of record. All attorneys/agents of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

A change of correspondence address was filed on July 30, 2009. All future correspondence will be mailed to this address.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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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
11/020,369	12/22/2004	Dale W. Malik	20009.0245USI1(01031CIP)

CONFIRMATION NO. 4046

POWER OF ATTORNEY NOTICE

OC000000037584398

83658
AT & T Legal Department - WS
Attn: Patent Docketing
Room 2A-207
One AT & T Way
Bedminster, NJ 07921

Date Mailed: 08/31/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/24/2009.

- 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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9/26/07

Kevin D. McCarthy
Roach Brown McCarthy & Gruber, P.C.
1620 Liberty Building
420 Main Street
Buffalo NY 14202

In re Application of:
Richardson, Adam T. et al.
Serial No.: 11/020,382
Filed: December 22, 2004
Docket: 0-02-141.02
Title: **SYSTEM AND METHOD FOR SUPPRESSING FIRES**

Decision on Petition

This is a decision on the petition filed June 7, 2007 to withdraw holding of abandonment entered May 30, 2007. This petition is being considered pursuant to 37 CFR 1.181. No fee is required.

The petition is **GRANTED**.

The application was held abandoned for failure to timely respond to the Office Action mailed on December 7, 2006. Notice of abandonment was mailed on May 30, 2007.

Petitioner asserts that a response to the December 7, 2006 Office action was timely submitted via facsimile on December 18, 2006. In response, the petitioner has enclosed the required certificate of mailing and copy of the originally filed communication. Additionally, the petitioner has submitted a copy of the USPTO's Auto-Reply Facsimile Transmission report which confirms receipt of a three-page submission and cover sheet from the applicant on December 18, 2006.

37 CFR §1.8(b) states:

> 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.

In light of the evidence submitted and satisfied the provisions of 37 CFR § 1.8(b), there is no abandonment in fact. As such, the holding of abandonment is in error and is hereby vacated. Any inconvenience to the applicant is regrettable.

This application is being forwarded to the Supervisory Patent Examiner in Art Unit 3752 for appropriate action. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner at (571) 272-4856.

PETITION GRANTED

Karen M. Young

Karen M. Young, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 04/20/2010

Applicant	: Francois-Marie Lefevere	: DECISION ON REQUEST FOR
Patent Number	: 7623274	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/020,388	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1184** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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SEP 25 2008

HOWARD J. GREENWALD P.C.
70 LINDEN OAKS, THIRD FLOOR
ROCHESTER, NY 14625

In re Application of	:	
Stuart Hameroff	:	
Application No. 11/020,390	:	DECISION ON PETITION
Filed: December 22, 2004	:	TO WITHDRAW
Attorney Docket No. SH - 652	:	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

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United States Patent and Trademark Office
P.O. Box 1450
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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

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DEC 2 0 2007

OFFICE OF PETITIONS

In re Patent No. 7,233,105	:	
Issue Date: June 19, 2007	:	
Application No. 11/020,394	:	DECISION ON PETITION
Filed: December 27, 2004	:	
Attorney Docket No. 043141	:	

This is a decision on the petition under 37 CFR 1.182, filed October 5, 2007, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Publishing Division is directed to issue a duplicate Letters Patent.

The Office is in receipt of $130.00. However, the current petition fee is $400.00. As authorized, the $270.00 difference for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3215. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Krystal Paige in the Publishing Division at (703) 308-9250, Ext. 139.

A copy of this decision is being faxed to Publishing Division for issuance of a duplicate Letters Patent.

Charlema Grant
Petitions Attorney
Office of Petitions

cc: Krystal Paige, South Tower, 8th Floor, Room C32 (Fax No. (571) 270-9937)

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MYERS BIGEL SIBLEY & SAJOVEC, P.A
PO BOX 37428
RALEIGH NC 27627

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OFFICE OF PETITIONS

In re Application of:
EATON, William Chris, et al.
Application No.: 11/020,400
Filed: December 22, 2004
Attorney Docket No.: 9314-96

DECISION APPROVING
WITHDRAWAL OF ATTORNEY

This is a decision on the Request to Withdraw as Attorney/Agent of Record under 37 CFR § 1.36, filed October 2, 2008.

The Request is **APPROVED**.

Debra K. Stephens requests that she alone be withdrawn as an attorney under 37 CFR § 1.36, pursuant to the reason set forth under 37 CFR § 10.40(b)(2), because of her current employment by the United States Patent and Trademark Office. Since the Request satisfies all of the requirements for withdrawal, it is appropriate to approve the Request and withdraw only Ms. Stephens as an attorney of record.

All future communications from the Office will continue to be directed to the above-identified correspondence address.

A courtesy copy of this decision is being mailed to Ms. Stephens at the address identified in the Request.

Telephone inquiries relating to this decision should be directed Brian W. Brown at (571) 272-5338.

Brian W. Brown
Petitions Examiner
Office of Petitions

Cc: Debra K. Stephens
301 Edgemore Avenue
Cary, NC 27519

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MARK G BOCCHETTI
PATENT LEGAL STAFF
EASTMAN KOKAK COMPANY
343 STATE STREET
ROCHESTER NY 14650-2201

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JUL 13 2007

OFFICE OF PETITIONS

In re Application of	:	
Robert F. Mindler	:	
Application No. 11/020,404	:	DECISION ON
Filed: December 22, 2004	:	PETITION
Attorney Docket No. 88108RRS	:	

This is in response to the petition to revive under 37 CFR 1.137(b), filed June 28, 2007.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above application became abandoned for failure to timely submit corrected drawings as required by the Notice of Allowability mailed on February 6, 2007. This Notice set a non extendable period for reply of three months. No corrected drawings having been received, the application became abandoned on May 7, 2007. A Notice of Abandonment was mailed on June 6, 2007.

With the instant petition, petition paid the petition fee, submitted corrected drawings, and made the proper statement of unintentional delay.

The application file is being forwarded to Group Art Unit 2854 for consideration of the replacement drawing filed June 28, 2007.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: ____

DATE : 2/23/10

TO SPE OF : ART UNIT 2169

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/020405 Patent No.: 7533118B2

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

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

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: ____

Hassan Mahmud

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

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DEC 0 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Teague, et al.	:	
Application No. 11/020,412	:	DECISION
Filed: 22 December, 2004	:	
Attorney Docket No. 040754	:	

This is a decision on the petition, filed on 27 August, 2008, to revive under 37 C.F.R. §1.137(b) and alleging abandonment due to unintentional delay.

The petition under 37 C.F.R. §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 §1.137(b)."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

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 required here.)

It appears that Petitioner has not satisfied the requirements of the regulation, to wit: The instant petition lacks the proper statement of unintentional delay

BACKGROUND

The record reflects that:

Applicant, failed to reply timely and properly to a non-final Office action mailed on 13 December, 2007, with reply due absent an extension of time on or before 13 March, 2008.

The application went abandoned after midnight 13 March, 2008.

The Office mailed the Notice of Abandonment on 29 July, 2008.

On 27 August, 2008, Petitioner filed the instant petition with fee, a reply in the form of an amendment, however, it appears that the petition form used by Petitioner—which form is not that provided by the Office—contains no statement of unintentional delay.

Petitioner's attentions are directed to the guidance of the Commentary at MPEP §711.03(c) (see: the discussion at: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c).

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. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

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

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[2],[3]

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[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). See specifically, the regulations at 37 C.F.R. §10.18.

[2] 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).

CONCLUSION

The instant petition under 37 C.F.R. §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
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 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

---

[3] 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.))

[4] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/020,429	12/22/2004	Gary P. Gray	2333 US	8289

7590 11/03/2009

ALCON
IP LEGAL, TB4-8
6201 SOUTH FREEWAY
FORT WORTH, TX 76134

EXAMINER
HUNTE, AISHA K

ART UNIT	PAPER NUMBER
3769	

MAIL DATE	DELIVERY MODE
11/03/2009	PAPER

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.

Betty Powell

Patent Publication Branch
Office of Data Management

Disbursement Date: 11/04/2009 BPOWELL

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

D. N. HALGREN
35 CENTRAL STREET
MANCHESTER, MA 01944

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MAY 13 2008

OFFICE OF PETITIONS

In re Application of	:	
Robert J. Crowley, et al.	:	
Application No. 11/020,450	:	DECISION ON PETITION
Filed: December 22, 2004	:	TO MAKE SPECIAL UNDER
Attorney Docket No. ANT-GOOD 1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 10, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant Donald N. Halgren. 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 2618 to act on the RCE and information disclosure statement filed concurrently with this petition.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROBERT J. DEPKE
LEWIS T. STEADMAN
TREXLER, BUSHNELL, GLANGLORGI, BLACKSTONE & MARR
105 WEST ADAMS STREET, SUITE 3600
CHICAGO IL 60603-6299

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AUG 2 2 2005

OFFICE OF PETITIONS

In re Application of	:	
Matsuo, Goto, Ito, Kida, and Ishii	:	
Application No. 11/020,467	:	DECISION REFUSING STATUS
Filed: December 22, 2004	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 75834.00592	:	
For: DISPLAY PANEL AND DISPLAY DEVICE		

This is a decision on the petition under 37 CFR 1.47(a) filed August 3, 2005 (certificate of mailing dated August 3, 2005).

The petition under 37 CFR 1.47(a) is **dismissed.**

Any request for reconsideration under this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Failure to respond will result in the abandonment of this application. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(a).

The above-identified application was filed on December 22, 2004, without a proper oath or declaration. Accordingly, a "Notice to File Missing Parts of Nonprovisional Application" was mailed on February 7, 2005, requiring an executed oath or declaration, and a surcharge for the late filing of the oath or declaration, and replacement drawings. Extensions of time where available pursuant to 37 CFR 1.136(a). The instant petition was filed on August 3, 2005, along with a request for an extension of time within the fourth month.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee,

(4) a statement of the last known address of the non-signing inventor,

The instant petition lacks item (1) as set forth above.

As to item (1), petitioner has not established that the non-signing inventor cannot be reached. Petitioner has only indicated that a copy of the application papers and declaration was sent to the last known addresses of the non-signing inventor. There is no indication that the papers were received. If petitioner is arguing that the non-signing inventor is unavailable to join the prosecution of the application, section 409.03(d) of the *Manual of Patent Examining Procedure* (MPEP) explains that:

> [w]here 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.

It cannot be concluded that petitioner made a 'diligent' effort to locate the non-signing inventor given the evidence presented. It is only clear that the application papers were sent to the last known address of the non-signing inventor; this, without more, does not amount to diligence in locating the non-signing inventor. Section 409.03(d) further explains that the aforementioned statement " . . . 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." In this case, petitioner should, at least, provide some evidence that the non-signing inventor has received the application papers, i.e., a certified mail return receipt, or that other efforts were made to locate the non-signing inventor to no avail.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents,
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 272-8300
Attn: Office of Petitions

Telephone inquiries should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROBERT J. DEPKE
LEWIS T. STEADMAN
TREXLER, BUSHNELL, GLANGLORGI,
BLACKSTONE & MARR
105 WEST ADAMS STREET, SUITE 3600
CHICAGO, IL 60603-6299

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MAR 0 8 2006

OFFICE OF PETITIONS

In re Application of
Matsuo, Goto, Ito, Kida, and Ishii
Application No. 11/020,467
Filed: December 22, 2004
Attorney Docket No. 75834.00592
For: DISPLAY PANEL AND DISPLAY DEVICE

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed February 22, 2006.

The renewed petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The above-identified application was filed on December 22, 2004, without a proper oath or declaration. Accordingly, a "Notice to File Missing Parts of Nonprovisional Application" was mailed on February 7, 2005, requiring an executed oath or declaration, and a surcharge for the late filing of the oath or declaration, and replacement drawings. Extensions of time where available pursuant to 37 CFR 1.136(a). A petition under 37 CFR 1.47 was filed on August 3, 2005, along with a request for an extension of time within the fourth month. The petition was dismissed by a decision mailed August 22, 2005.

Petitioner has shown that inventor Goto cannot be located join the prosecution of the above-identified application after having been presented with the application papers. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DAVID I. ROCHE
BAKER & MCKENZIE LLP
130 EAST RANDOLPH DRIVE
CHICAGO IL 60601

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OFFICE OF PETITIONS

In re Application of	:	
Chao-Hua Shih	:	
Application No. 11/020,473	:	DECISION ON PETITION
Filed: December 27, 2004	:	
Patent No.7,364,569	:	
Issued: April 29, 2008	:	
Attorney Docket No. 3079/201CIP	:	

This is a decision on the request under 37 CFR 3.81(b)[1] filed on June 19, 2008 to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Petitioner indicates that the correct assignee is Life Shield Products, Inc., and that the assignee's name was not properly designated by the Applicant at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The request was accompanied by a certificate of correction (and fee) and the processing fee set forth in § 1.17(i), as required by 3.81(b). Further, Office assignment records reflect that Life

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

Shield Products, Inc. is the assignee of record, which assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed after issuance of this application into a patent.

Telephone inquiries concerning this decision should be directed to Christopher Bottorff at (571) 272-6692. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Christopher Bottorff
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

BOOTH UDALL, PLC
1155 W. Rio Salado Pkwy.
Suite 101
Tempe AZ 85281

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OFFICE OF PETITIONS

In re Application of
Sikora, et al.
Application No. 11/020,488
Filed: December 23, 2004
Attorney Docket No. 1260.002

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 15, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before September 12, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed June 12, 2009. (Timely payment would have been possible on Monday, September 14, 2009) Accordingly, the date of abandonment of this application is September 13, 2009. A Notice of Abandonment was mailed on September 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 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.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

This application is being referred to the Office of Data Management 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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FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

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OFFICE OF PETITIONS

In re Application of	:	
SASSELLI, et al.	:	
Application No. 11/020,495	:	DECISION ON PETITION
Filed: December 21, 2004	:	TO WITHDRAW
Attorney Docket No. 19414-09555	:	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 3, 2007.

The request is **NOT APPROVED** 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 March 19, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **THE LAW OFFICE OF DEEPTI PANCHAWAGH - JAIN**
C/O INTELLEVALE
PO BOX 52050
MINNEAPOLIS, MN 55402

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FENWICK & WEST
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

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OCT 1 3 2005

OFFICE OF PETITIONS

In re Application of	:
Adam Crossland et al	:
Application No. 11/020,496	: DECISION GRANTING STATUS
Filed: December 21, 2004	: UNDER 37 CFR 1.47(A)
For: DISTRIBUTED APPLICATION	:
INFRASTRUCTURE FOR THE PURPOSE OF	:
AD HOC NETWORKS AND INTERMITTENTLY	:
CONNECTED DEVICES	:

This is in response to the petition under 37 CFR 1.47(a), filed June 6, 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.

After this decision is mailed, petitioner's deposit account No. 19-2555 will be charged an additional petition fee of $70 ($200 - 130) as required by 37 CFR 1.17(g).

Telephone inquiries regarding this decision should be directed to Petitions Examiner Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center AU 2161 for examination in due course.

Frances Hicks

Frances Hicks
Lead Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROBERT J. MACARTNEY
302 EDGEWOOD ROAD
REDWOOD CITY, CA 94062

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OCT 1 3 2005

OFFICE OF PETITIONS

In re Application of
Crossland; Arzoomanian; Koehn; Allen; MacArtney and Nassar
Application No. 11/020,496
Filed: December 21, 2004
For: DISTRIBUTED APPLICATION INFRASTRUCTURE FOR THE PURPOSE OF AD HOC NETWORKS AND INTERMITTENTLY CONNECTED DEVICES

Dear Mr. MacArtney:

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 in 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 Wan Laymon at (571) 272-3220. 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).

Frances Hicks
Lead Petitions Examiner
Office of Petitions

cc:
FENWICK & WEST
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

Fenwick & West, LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041

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OFFICE OF PETITIONS

In re Application of	:	
Adam Crossland et al.	:	
Application No. 11/020,496	:	DECISION ON PETITION
Filed: December 21, 2004	:	TO WITHDRAW
Attorney Docket No. 23983-09894	:	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 1, 2007 and May 7, 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 requests were signed by Rajiv P. Patel on behalf of all attorneys of record who are associated with customer No. 758. All attorneys/agents associated with the Customer Number 758 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 are no outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Frances Hicks
Petitions Examiner
Office of Petitions

cc: David Koehn
775 Gemini Lane
Foster City, CA 94404

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

CASELLA & HESPOS
274 MADISON AVENUE
NEW YORK NY 10016

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MAR 2 2 2005

OFFICE OF PETITIONS

In re Application of
Usui
Application No. 11/020,516
Filed: December 23, 2004
Attorney Docket No. USUI-13F DIV 1
For: CONNECTING STRUCTURE OF BRANCH CONNECTOR IN FUEL PRESSURE ACCUMULATING CONTAINER

ON PETITION

This is a decision on the petition under 37 CFR 1.53(e), filed February 25, 2005 (certificate of mailing date February 23, 2005), requesting, in effect, withdrawal of the Notice of Omitted Items in a Nonprovisional Application, mailed February 11, 2005.

The petition under 37 CFR 1.53(e) is **DISMISSED**.

The application was filed on December 23, 2004. On February 11, 2005, the Office of Initial Patent Examination mailed a Notice informing petitioner that Figures 25 and 26 appeared to have been omitted.

In response to the Notice, petitioner filed the present petition. Petitioner requests that Figures 25 and 26 be accorded a filing date of December 23, 2004 on the basis that 15 sheets of drawings, including one showing Figures 25 and 26, were received in the Patent and Trademark Office (PTO) on December 23, 2004. It is noted that only 14 sheets of drawings are present in the application file.

Unfortunately, the evidence recited in the petition, applicant's itemized postcard receipt showing an Office of Initial Patent Examination notation citing December 23, 2004 as the date of receipt, is missing from the petition.

Petitioner is requested to submit another copy of his itemized, date stamped postcard receipt. Please prominently mark it – Exhibit to reconsideration petition under 37 CFR 1.53(e).

The application file will be retained in the Office of Petitions until the copy of the December 23, 2004 postcard receipt is submitted. Once the copy is submitted and a reconsideration petition is granted, the $400.00 petition fee submitted with the instant petition will be credited 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
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (703) 872-9306 – ATTN: Office of Petitions

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CASELLA & HESPOS
274 MADISON AVENUE
NEW YORK NY 10016

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APR 28 2005

OFFICE OF PETITIONS

In re Application of :
Usui :
Application No. 11/020,516 : ON PETITION
Filed: December 23, 2004 :
Attorney Docket No. USUI-13F DIV 1 :
For: CONNECTING STRUCTURE OF BRANCH :
CONNECTOR IN FUEL PRESSURE
ACCUMULATING CONTAINER

This is a decision on the reconsideration petition under 37 CFR 1.53(e), filed March 28, 2005 (certificate of mailing date March 24, 2005), requesting, in effect, withdrawal of the Notice of Omitted Items in a Nonprovisional Application, mailed February 11, 2005.

The petition under 37 CFR 1.53(e) is **GRANTED**.

The application was filed on December 23, 2004. On February 11, 2005, the Office of Initial Patent Examination mailed a Notice informing petitioner that Figures 25 and 26 appeared to have been omitted. Applicant's February 25, 2005 (certificate of mailing date February 23, 2005) petition under 37 CFR 1.53(e) was dismissed on March 22, 2005 because petitioner's evidence proving the December 23, 2004 deposit of Figures 25 and 26 was missing.

In response to the dismissal, petitioner filed the present petition. Petitioner requests that Figures 25 and 26 be accorded a filing date of December 23, 2004 on the basis that 15 sheets of drawings, including one showing Figures 25 and 26, were received in the Patent and Trademark Office (PTO) on December 23, 2004. In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing December 23, 2004 as the date of receipt. The postcard lists, *inter alia*, that the filing included 15 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 15 sheets of drawing figures were filed on December 23, 2004. MPEP 503. A review of the originally filed pages of drawings reveals that only 14 sheets are present. Accordingly, the request is granted.

Pursuant to petitioner's authorization, the $400.00 petition fee charged on March 2, 2005 will be credited to deposit account no. 03-1030.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **December 23, 2004**, using the 1 sheet of drawing figures re-submitted on February 25, 2005 (certificate of mailing date February 23, 2005). Office records will be corrected to show that 15 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

E Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN NC 28562

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OFFICE OF PETITIONS

In re Application of	:	
Jose-Andres GARCIA et al.	:	DECISION ON PETITION
Application No. 11/020,518	:	UNDER 37 CFR 1.78(a)(3)
Filed: December 22, 2004	:	
Attorney Docket No. 2002P00654WOUS	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 28, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 365(c) for the benefit of priority to prior-filed PCT Application No. PCT/EP03/006634, filed June 24, 2003, set forth in the accompanying Application Data Sheet (ADS) (the international application number is referred to in the petition and ADS as PCT/EP2003/006634).

The petition under 37 CFR 1.78(a)(3) is **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

All the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 and 365(c) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the application is entitled to the benefit of the prior-filed application. In order for the application to be entitled to the

benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to David Bucci at (571) 272-7099. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to the examiner of Technology Center Art Unit 3742 for appropriate action on the amendment filed April 28, 2006, including consideration of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 and 365(c) to the above-noted, prior-filed PCT application.

David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/020,518	12/22/2004	3742	1130	2002P00654WOUS	2	11	1

CONFIRMATION NO. 8268

CORRECTED FILING RECEIPT

OC000000021263381

0046726
BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN, NC 28562

Date Mailed: 11/16/2006

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)

Jose-Andres Garcia, Zaragoza, SPAIN;
Thomas Lieb, Starnberg, GERMANY;
Hans Rogenhofer, Holzkirchen, GERMANY;

Assignment For Published Patent Application

BSH Bosch und Siemens Hausgerate GmbH, Munich, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number **000046726**.

Domestic Priority data as claimed by applicant

This application is a CON of PCT/EP03/00634 06/24/2003

Foreign Applications

GERMANY 10228139.4 06/24/2002

If Required, Foreign Filing License Granted: 02/11/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/020,518

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Domestic appliance, in particular cooking appliance comprising a memory unit

Preliminary Class

219

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 3600

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER
LLP
901 NEW YOUR AVENUE, NW
WASHINGTON DC 20001-4413

In re application of
David WEEKES
Application No. 11/020,524
Filed: December 27, 2004
For: GLOBAL ORIGIN AND DEPARTURE
INFORMATION SYSTEM

**DECISION ON PETITION
TO MAKE SPECIAL
(COUNTER TERRORISM)**

This is in response to the petition filed on August 17, 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 pertains to systems and methods for managing cross border traveler information prior to, during, and post boarding of air, sea, and land transportation vessels. The applicant's invention provides verification of the traveler, which helps a country to prohibit the entry of travelers on a terrorist watch list, see paragraph [038] in the applicant's specification. Applicant's petition to make special includes, a statement by applicant's attorney, Milan S. Kapadia, explaining how the invention contributes to countering terrorism by profiling travelers to help prevent a terrorist attack.

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**.

Kenneth J. Dorner
Special Programs Examiner
Technology Center 3600
(571) 272-6587

KJD/bkg: October 14, 2005

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CALFEE HALTER & GRISWOLD
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND OH 44114

In re Application of	:	
David J. Goodell	:	
Application No. 11/020,544	:	ON PETITION
Filed: December 22, 2004	:	
Attorney Docket No. 28679/05410	:	

This is a decision on the petition, filed May 19, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 3, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 3746 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS, MN 55415-1002

Mail Date: 04/21/2010

Applicant	: Paul C. Nasvik	: DECISION ON REQUEST FOR
Patent Number	: 7647738	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/020,546	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1427** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

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OFFICE OF PETITIONS

In re Application of	:	
Sorrells et al.	:	
Application No. 11/020,547	:	ON PETITION
Filed: December 27, 2004	:	
Attorney Docket No.: 1744.001000J	:	
Title of Invention: METHODS AND	:	
SYSTEMS FOR DOWN-CONVERTING	:	
ELECTROMAGNETIC SIGNALS AND	:	
APPLICATIONS THEREOF	:	

This is a decision on the petition filed March 9, 2005, requesting in effect, that a Notice of Omitted Items in a Nonprovisional Application ("Notice") mailed February 22, 2005, be withdrawn.

The application was filed on December 27, 2004. However, on February 22, 2005, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of December 27, 2004 but pages 96-105 of the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends pages 96-105 of the specification were filed on December 27, 2004. In support, the petition is accompanied by a copy of applicants' return postcard which lists " a specification containing 239 pages of description prior to claims". The petition is further accompanied by a copy of pages 96-105 of the specification.

Applicant's postcard receipt is prima facie evidence that 239 pages of specification, including pages 96-106 were received on December 27, 2004, but pages 96-105 of the specification 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 pages 96-105 of the specification were received on December 27, 2004 as shown in counsel's file, and later misplaced in the office.

The petition is Granted. No petition fee is due. Accordingly, the $400.00 petition fee will be refunded.

Since pages 96-105 of the specification cannot be located in the Office, pages 96-105 of the specification supplied with the petition on March 9, 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 December 27, 2004, using substitute pages 96-105 of the specification supplied on March 9, 2005.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE: MAY 18, 2007

TO SPE OF: ART UNIT 2617

SUBJECT: Request for Certificate of Correction for Appl. No.: 11020547 Patent No.: 7194246B2

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within **7** days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

DO NOT SENT TO ATTORNEY

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within **7** days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

VIRGINIA TOLBERT
Certificates of Correction Branch
703-308-9390 ext. 113

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: IDS WERE VERIFIED AND INITIALED ON JUNE 27, 2006

CHARLES N. APPIAH
SUPERVISORY PATENT EXAMINER

SPE — **Art Unit** 2617

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Gloria Norberg
AMBION INC., AN APPLIED BIOSYSTEMS
BUSINESS
2130 WOODWARD ST
AUSTIN, TEXAS 78744

In re Application of	:
FORD et al	:
Serial No.: 11/020,560	:Decision on Petition
Filed : December 23, 2004	:
Attorney Docket No.: 6552	:

This letter is in response to the Petition under 37 C.F.R. 1.144 and 1.181 filed on August 2, 2007 requesting withdrawal of the restriction requirement with regards to SEQ ID NO: 1-10. The delay in acting upon this petition is regretted.

BACKGROUND

On September 6, 2006, the examiner mailed a restriction requirement in which the original claims 1-41 were divided into 2 groups. Part of this restriction requirement required selection of a specific sequence for examination.

On December 13, 2006, Applicants elected Group I (Claims 1-19) and SEQ ID NO: 1 with traverse.

On February 6, 2007 the examiner considered the traversal, made the restriction requirement FINAL and mailed to applicants a non-final Office action, in which Group I (Claims 1-19) and SEQ ID NO: 1 were searched and examined on the merits.

On August 3, 2007, applicants filed this petition to request that the Office withdraw the restriction requirement, along with a response to the Office action and an information Disclosure Statement

DISCUSSION

The petition and file history have been carefully considered. The petition requests rejoinder of SEQ ID NO: 1-10.

The petition filed August 3, 2007 requested the rejoinder of SEQ ID NOs: 1-10 as one group. The arguments provide that there is no serious burden to combine SEQ ID Nos 1-10 into one group.

MPEP 803 sets forth two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent (see MPEP § 802.01, §806.06, § 808.01) or distinct as claimed (see MPEP § 806.05 - §806.05(j)); and

(B) There would be a serious burden on the examiner if restriction is not required (see MPEP § 803.02, § 808, and § 808.02.

In this application, the question is not so much one of burden, but of patentable distinction.

MPEP 806 sets forth the general principles relating to distinctness or independence. Where inventions are related as disclosed but are distinct as claimed, restriction may be proper. Where inventions are related as disclosed but are not distinct as claimed, restriction is never proper.

As clearly pointed out in the petition on page 6 using the underlining, SEQ ID NOs 1, 3, 5, 7, and 9 are overlapping in scope. SEQ ID NO: 1, 3, 5, 7 and 9 each share 12 nucleotides in common, namely CAGGAACGCATT, which is elected SEQ ID No 1. SEQ ID No 3 contains all the nucleotides of SEQ ID No 1 plus an additional three nucleotides at the 5' end. SEQ ID No 5 contains all the nucleotides of SEQ ID No 3, plus an additional two nucleotides at the 5' end. SEQ ID No 7 contains all the nucleotides of SEQ ID No 5, plus an additional one nucleotide at the 5' end. SEQ ID No 9 contains all the nucleotides of SEQ ID No 7, plus an additional three nucleotides at the 5' end.

Here's SEQ ID No1 aligned with SEQ ID No 3, 5, 7, 9:

```
          CAGGAACGCATT        SEQ ID NO 1
        GUACAGGAACGCATT       SEQ ID NO 3
      AUGUACAGGAACGCATT       SEQ ID NO 5
    UAUGUACAGGAACGCATT        SEQ ID NO 7
GGUUAUGUACAGGAACGCATT         SEQ ID NO 9
```

Because the sequences are claimed using open transitional language, the sequences, as claimed, are not patentably distinct from each other.

siRNA which comprises SEQ ID No 1 also encompasses SEQ ID Nos 3, 5, 7 and 9.
siRNA which comprises SEQ ID No 3 also encompasses SEQ ID Nos 5, 7 and 9.
siRNA which comprises SEQ ID No 5 also encompasses SEQ ID Nos 7 and 9.
siRNA which comprises SEQ ID No 7also encompasses SEQ ID No 9.

SEQ ID Nos 2, 4, 6, 8 and 10 share same pattern.

Moreover, each pair of even and odd sequences (i.e, SEQ ID No 1 and 2; SEQ ID No 3 and 4; SEQ ID No 5 and 6; SEQ ID No 7 and 8; SEQ ID No 9 and 10) are partial complements of each other. Newly added claims 42-46 also require an even number and an odd numbered sequence. Restriction is not proper when two products are required together in a claim. For these reasons, a restriction between the sequences 1-10 would not be proper in this particular application.

DECISION

The petition is **GRANTED** for the reasons set forth above.

The restriction requirement between SEQ ID No 1-10 has been withdrawn. Claims 3-6, 10, 13, 19 and 42-46 are pending and read on the elected invention. SEQ ID NOs: 2-10 are rejoined with the SEQ ID NO: 1 already under examination, and said sequences will be examined together.

The application will be forwarded to the examiner for further action consistent with this decision and for consideration of the papers filed 3 August 2007.

Should there be any questions about this decision, please contact Special Program Examiner Julie Burke, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-1600 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Christopher Low
Director, Technology Center 1600 (Acting)
jb/jg

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Paper No. None

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120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

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JUL 11 2005

OFFICE OF PETITIONS

In re Application of
James C. Breslin, Scott A. Williams, Jerry B. Elliot, Frank S. Atchley, and Vernie A. Due
Application No. 11/020,563
Filed: December 22, 2004
Attorney Docket No. 83762
Title: CONDITIONING PROCESS FOR TOBACCO AND/OR SNUFF COMPOSITIONS

DECISION ON PETITION UNDER 37 C.F.R. §1.47(A)

This is in response to the petition under 37 C.F.R. §1.47(a)[1], filed May 2, 2005.

On December 22, 2004, the application was deposited with a declaration identifying James C. Breslin, Scott A. Williams, Jerry B. Elliot, Frank S. Atchley, and Vernie A. Due as joint inventors. The application was deposited without an executed oath or declaration. On February 7, 2005, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice), requiring an executed oath or declaration in compliance with 37 C.F.R. §1.63, as well as the surcharge associated with the late submission of an oath or declaration, the filing fee, additional claim fees, and the application search fee. This Notice set a two-month period for reply.

1A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $130;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 CFR §1.63.

With the instant petition, Petitioner has submitted the petition fee and surcharge, the filing fee, additional claim fees, the application search fee, the examination fee, a declaration which has been executed by each of the joint inventors save Mr. Due, and a one-month extension of time to make timely this response. The last known address has been provided. Petitioner has set forth that a "copy of the subject application and Declaration for signature was presented to Mr. Due[2]." The Office will presume that this statement means that a complete copy of the application was personally handed to Mr. Due. If this is not an accurate interpretation of this statement, Petitioner must notify the Office.

Petitioner has met requirements (1) – (4) above.

Regarding the fifth requirement, Petitioner has not submitted a declaration which complies with 37 CFR §1.63. First, the declaration submitted with the instant petition contains non-dated and non-initialed changes by inventors Breslin and Williams[3]. Secondly, the electronic file does not appear to contain an Application Data Sheet, and the declaration contains neither the post office address nor the citizenship of the non-signing inventor. While it is noted that MPEP 409.03(a)(A) indicates that the signature block of a non-signing joint inventor should be left blank, this pertinent information must still be included on the declaration.

For the above reasons, the petition must be **DISMISSED**.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. §1.47(a)." This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski.

Any renewed petition may be submitted by mail[4], hand-delivery[5], or facsimile[6]. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

2 Petition, page 2.
3 See 37 C.F.R. §1.52(c)(1) and MPEP 605.04(a).
4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
5 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
6 (703) 872-9306 - please note this is a central facsimile number.

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

COPY MAILED

SEP 26 2005

OFFICE OF PETITIONS

In re Application of
James C. Breslin, Scott A. Williams, Jerry B. Elliot, Frank S. Atchley, and Vernie A. Due
Application No. 11/020,563
Filed: December 22, 2004
Attorney Docket No. 83762
Title: CONDITIONING PROCESS FOR TOBACCO AND/OR SNUFF COMPOSITIONS

DECISION ON RENEWED PETITION UNDER 37 C.F.R. §1.47(A)

This is in response to the renewed petition under 37 C.F.R. §1.47(a)[1], filed September 14, 2005.

On December 22, 2004, the application was deposited with a declaration identifying James C. Breslin, Scott A. Williams, Jerry B. Elliot, Frank S. Atchley, and Vernie A. Due as joint inventors. The application was deposited without an executed oath or declaration. On February 7, 2005, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice), requiring an executed oath or declaration in compliance with 37 C.F.R. §1.63, as well as the surcharge associated with the late submission of an oath or declaration, the filing fee, additional claim fees, and the application search fee. This Notice set a two-month period for reply.

1A grantable petition under 37 C.F.R. §1.47(a) requires:

(1) the petition fee of $130;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 CFR §1.63.

The original petition was submitted on May 2, 2005, and was dismissed via the mailing of a decision on July 11, 2005, for failing to submit an acceptable declaration. With this renewed petition, an acceptable declaration has been provided.

Therefore, the renewed petition is **GRANTED** and this application is hereby accorded Rule §1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

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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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BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE, WA 98104

Mail Date: 05/05/2010

Applicant	: Gilad Odinak	: DECISION ON REQUEST FOR
Patent Number	: 7634064	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/020,596	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1361** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

BRACEWELL & GIULIANI LLP
P.O. BOX 61389
HOUSTON, TX 77208-1389

In re Application of Mashni et al. :
Application No. 11/020,610 :
Filing Date: December 22, 2004 :
Attorney Docket No. 0408RF.045625 :

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(a), filed April 4, 2008, to revive the above-identified application. The petition is also being treated under 37 CFR 1.181 (no fee) as a petition to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **granted**.

The petition under 37 CFR 1.137(a) is **dismissed as moot**.

Facts:

The application was filed December 22, 2004.

The address of record was the address associated with customer number 35979.

The representatives of record were the representatives associated with customer number 35979.

An Associated Power of Attorney and Change of Correspondence form was filed March 30, 2005. The form sought to give an associated power of attorney to John McGowan. The form did not request a change of address.

On March 15, 2006, for unknown reasons, the Office incorrectly changed the address of record to the address associated with Customer No. 08385. The Office also incorrectly changed the representatives of record to the representatives associated with customer number 08385.

On June 8, 2006, the Office mailed a notice concerning the paper filed March 30, 2005. The Notice was mailed to the incorrect address.

The June 8, 2006 Notice was returned undelivered to the USPTO on June 29, 2006. The returned envelope included a USPS stamp stating, "NOT DELIVERABLE AS ADDRESSED."

On April 5, 2007, the Office mailed a non-final Office action. The Office action was mailed to the incorrect address.

The April 5, 2007 papers were returned to the Office undelivered on April 26, 2007.

The Office mailed a Notice of Abandonment on January 17, 2008. The Notice was mailed to the incorrect address.

The Notice of Abandonment was returned to the Office undelivered on February 1, 2008. The returned envelope included a USPS stamp stating, "NOT DELIVERABLE AS ADDRESSED."

The instant petition was filed April 4, 2008.

Discussion:

Petitioner has established non-receipt of the non-final Office action. Petitioner has established non-receipt of the Office action was the result of an Office error that resulted in the Office mailing the non-final Office action to an incorrect address.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Since the petition has been granted under 37 CFR 1.181, petitioner's request to have the petition considered under 37 CFR 1.137(a) is dismissed as moot. No petition fee is required for a petition to withdraw holding of abandonment under 37 CFR 1.181. Therefore, the petition fee of $510 charge to petitioner's credit card on April 7, 2008, has been credited back to the credit card.

Technology Center Art Unit 2178 will be informed of the instant decision and the application, including the amendment filed April 4, 2008, will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
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Alexandria, VA 22313-1450
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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

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OFFICE OF PETITIONS

In re Application of :
MARKWART, et al. :
Application No. 11/020,617 :
Filed: December 23, 2004 :
Attorney Docket No. **P/4348-38** :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 13, 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, February 14, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 15, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1500; 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 Monica A. Graves at (571) 272-7253.

The application file is being referred to Technology Center Art Unit 3749 for consideration of the amendment and information disclosure statement filed November 13, 2006.

Sherry D. Brinkley

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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P.O. Box 1450
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SNELL & WILMER L.L.P. (Main)
400 EAST VAN BUREN
ONE ARIZONA CENTER
PHOENIX, AZ 85004-2202

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OFFICE OF PETITIONS

In re Application of	:	
Steven R. Cullen	:	
Application No. 11/020,646	:	DECISION ON PETITION
Filed: December 22, 2004	:	
Attorney Docket No. 51487.1300	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 7, 2008, to revive the above-identified application. This is also a decision on the petition under 37 CFR 1.182, filed February 15, 2008, to withdraw the Terminal Disclaimer filed on January 7, 2008.

The petition 1.137(b) is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before December 27, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed September 27, 2007. Accordingly, the date of abandonment of this application is December 28, 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 $720.00 and the publication fee of $300.00, (2) the petition fee of $770.00; and (3) a proper statement of unintentional delay.

The petition 1.182 is **GRANTED**.

The terminal disclaimer that was entered on January 30, 2008, will be withdrawn and the fee of $65.00 will be credited to petitioner deposit account.

The address on the petition differs from the address of record. There is no indication that a change of address has been filed. However, if petitioner wish to have future correspondence to be directed to the address listed on the petition a proper change of address needs to be filed. Therefore, all correspondence with be directed to the address that is listed of record.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Data Management for processing into a patent.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Peter K. Johnson
Snell & Wilmer, LLC
15 West South Temple
Suite 1200
Salt Lake City, UT 64101

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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

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MAR 04 2010

OFFICE OF PETITIONS

In re Application	:
Robert L. Jones et al.	:
Application No. 11/020,651	: DECISION ON APPLICATION
Filed: December 23, 2004	: FOR PATENT TERM ADJUSTMENT
Attorney Docket No. **38820-547001US**	:

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705(b) filed December 17, 2009. Applicant requests that the determination of patent term adjustment be corrected from 243 days to 857 days. Applicant requests this correction in part on the basis that the Office will take in excess of three years to issue this patent and in light of the recent court decision in Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008).

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, 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.

With respect to the over 3 year calculation, 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.

To the extent that applicant otherwise requests correction of the patent term adjustment at the time of the mailing of the Notice of Allowance, the application for patent term adjustment is **GRANTED**.

The Office has updated the PALM screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is two hundred thirty seven (237) days including two hundred fifty-one days for applicant delay. A copy of the updated PALM screen, showing the correct determination, is enclosed.

The instant application for patent term adjustment was timely filed[1] on or before payment of the issue fee.

On September 22, 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 to date is 243 days. Applicants acknowledge a period of adjustment of 488 days of PTO delay but argue that an additional 6 days of Applicant delay should be accorded for the filing of a Supplemental Information Disclosure Statement on September 10, 2009.

A review of the record reveals that the initial determination of patent term adjustment of 245 days of applicant delay is incorrect. Pursuant to 37 CFR 1.704(c)(8) an additional period of reduction of 6 days should have been entered for applicant delay.

37 CFR 1.704(c)(8) provides that:

> 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, 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;

With the submission of the RCE on September 4, 2009, Applicant filed an Information Disclosure Statement. A Supplemental Information Disclosure Statement was filed on

[1] PALM records indicate that the issue fee was paid on December 21, 2009.

September 10, 2009. In this instance, the filing of the Supplemental Information Disclosure Statement on September 10, 2009 is considered a failure to engage under 1.704(c)(8). The IDS was not expressly requested by the examiner nor did the Supplemental IDS include a 1.704(d) statement.

Pursuant to 37 CFR 1.704(c)(8) a period of reduction of 6 days should have been entered for the Supplemental Information Disclosure Statements (IDS) filed September 10, 2009.

The period of reduction pursuant to 37 CFR 1.704(c)(8) for filing the Supplemental IDS is 6 days, counting the number of days in the period beginning on the day after the initial reply (the RCE) was filed, September 4, 2009 and ending on the date of filing of the last supplemental paper, the IDS filed September 10, 2009. Accordingly, a period of reduction of 6 days is being entered.

In view thereof, the determination of Patent Term Adjustment at the time of the mailing of the notice of allowance is TWO HUNDRED THIRTY SEVEN days (488 days of Office delay reduced by 251 days of applicant delay).

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) which has been charged to deposit account no. 50-0311. No additional fees are required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified 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

Enclosure: Copy of Revised PALM Screen

Day : Thursday

PALM INTRANET

Date: 3/4/2010
Time: 07:15:14

PTA Calculations for Application: 11/020651			
Application Filing Date:	12/23/2004	PTO Delay (PTO):	488
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	245
Post-Issue Petitions:	0	Total PTA (days):	237
PTO Delay Adjustment:	-6		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
75	02/22/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		6	
62	09/22/2009	MAIL NOTICE OF ALLOWANCE			
61	09/21/2009	ISSUE REVISION COMPLETED			
60	09/21/2009	DOCUMENT VERIFICATION			
59	09/21/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
58	09/21/2009	CASE DOCKETED TO EXAMINER IN GAU			
57	09/18/2009	NOTICE OF ALLOWABILITY			
54	09/10/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
53	09/10/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
52	09/04/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
51	09/09/2009	DATE FORWARDED TO EXAMINER			
50	09/04/2009	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
49	09/09/2009	DATE FORWARDED TO EXAMINER			
48	09/04/2009	REQUEST FOR CONTINUED EXAMINATION (RCE)		92	43
47	09/09/2009	DISPOSAL FOR A RCE / CPA / R129			
46	09/04/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
45	09/04/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
44	09/04/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
43	03/04/2009	MAIL FINAL REJECTION (PTOL - 326)			
42	03/02/2009	FINAL REJECTION			

41	12/30/2008	DATE FORWARDED TO EXAMINER			
40	11/13/2008	RESPONSE AFTER NON-FINAL ACTION		92	38
39	11/13/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
38	05/13/2008	MAIL NON-FINAL REJECTION			
37	05/12/2008	NON-FINAL REJECTION			
34	03/07/2008	DATE FORWARDED TO EXAMINER			
33	01/22/2008	RESPONSE AFTER NON-FINAL ACTION		61	29
32	01/22/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
30	12/12/2007	CASE DOCKETED TO EXAMINER IN GAU			
29	08/22/2007	MAIL NON-FINAL REJECTION			
28	08/17/2007	NON-FINAL REJECTION			
23	07/27/2007	DATE FORWARDED TO EXAMINER			
22	07/25/2007	RESPONSE TO ELECTION / RESTRICTION FILED			
21	06/26/2007	MAIL RESTRICTION REQUIREMENT	488		-1
20	06/23/2007	REQUIREMENT FOR RESTRICTION / ELECTION			
19	02/16/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
18	12/06/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
17	06/14/2007	CASE DOCKETED TO EXAMINER IN GAU			
16	12/06/2006	REFERENCE CAPTURE ON IDS			
15.7	12/06/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	12/06/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	02/16/2006	REFERENCE CAPTURE ON IDS			
12.7	02/16/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	02/16/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	07/11/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
10	07/11/2005	CASE DOCKETED TO EXAMINER IN GAU			
9	04/18/2005	APPLICATION DISPATCHED FROM OIPE			
8	04/18/2005	APPLICATION IS NOW COMPLETE			
7	04/07/2005	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
		A STATEMENT BY ONE OR MORE INVENTORS			

6	04/07/2005	SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	02/03/2005	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
3	01/22/2005	CLEARED BY OIPE CSR			
2	01/18/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	12/23/2004	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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Paper No. 17

WORLDCOM, INC.
1133 19TH STREET NW
WASHINGTON, DC 20036

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OFFICE OF PETITIONS

In re Application of
Dugan et al.
Application No. 09/421,590
Filed: October 20, 1999
Attorney Docket No. COS-98-021

DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This decision concerns the June 11, 2003 renewed petition under 37 CFR 1.47(a).

The petition is **GRANTED.**

The previous petition under 37 CFR 1.47(a), filed on February 16, 2000, was dismissed on April 16, 2003 for lacking the requisite showing that a *bona fide* attempt had been made to provide the non-signing inventor with a copy of the entire application before concluding that he refused to join in this application.

The instant renewed petition and the accompanying exhibits indicate that a copy of the entire application had been sent by Federal Express to the non-signing inventor, Allen Holmes, at his last known address on May 8, 2003; and that as of June 9, 2003, when the instant renewed petition was being prepared for filing, counsel for Assignee did not hear from Allen Holmes regarding this application. The petition is thus granted.

The declaration executed by the available inventors and filed on February 16, 2000 is hereby accepted. The application is now complete.

No petition fee is owed. The $130 charged to Deposit Account No. 13-2491 on June 11, 2003 has been credited to the same deposit account.

As provided in 37 CFR 1.47(c), the Office will forward notice of the filing of this application to Allen Holmes at his last known address indicated in the instant renewed petition:

5375 Chambrey Drive
Colorado Springs, CO 80919

Notice of the filing of this application will also be published in the *Official Gazette*.

The application file is being returned to Technology Center 2100 for continued examination.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.

RC Tang
Petitions Attorney
Office of Petitions

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MAR 21 2008

OFFICE OF PETITIONS

In re Application of	:	
Ajay P. Deo et al	:	
Application No. 11/020,656	:	ON PETITION
Filed: December 27, 2004	:	
Attorney Docket No. COS98021C1	:	

This is a decision on the petition filed October 26, 2007 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the Issue fee and Publication fee in a timely manner in reply to the Notice of Allowance mailed July 25, 2007, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on October 26, 2007.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue fee and Publication fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This matter is being referred to the Publishing Division for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

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JUN 24 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Zirngibl, et al. :
Application No. 11/020,675 :
Filed: December 27, 2004 :
Attorney Docket No. 067220-0314299 :

This is a decision on papers styled, "Petition For Correction of Filing Date," filed June 8, 2005, requesting that the above-identified application be accorded a filing date of December 27, 2004, rather than the presently accorded filing date of May 3, 2005.

The application was submitted on December 27, 2004, as a continuation of prior application No. 09/455,523. However, on February 3, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice To File Missing Parts of Nonprovisional Application " (Notice) that stated the application had been accorded a filing date, and that Figures 10a – 10f described in the specification appear to have been omitted.[1]

In response, on May 3, 2005, applicant submitted Figures 10a – 10f via "incorporation by reference." Thereafter, the filing date was changed to May 3, 2005.

On June 8, 2005, the instant petition was submitted. Applicant requests that the above-identified application be accorded a filing date of December 27, 2004, rather than the presently accorded filing date of May 3, 2005.

A review of the application file indicates applicant's "Response to Notice to File Missing Parts," filed May 3, 2005, erroneously submitted the missing Figures via "incorporation by reference." However, this must be done by way of an amendment. Applicant's "Response to Notice to File Missing Parts," filed May 3, 2005, makes no mention of an amendment, or intent or need to file an amendment in order to add the missing Figures.

[1] It is noted that applicant states, "Upon review of the Notice to File Missing Parts mailed February 3, 2005 ... and the application as-filed, the Undersigned realized that FIGS. 10a-10f had been inadvertently omitted from the application as-filed on December 27, 2004.

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)."

Applicant failed to provide the necessary amendment and the filing date was erroneously changed to the date of receipt of the missing Figures. It appears that applicant is now aware of the requirement of submitting the Figures by way of an amendment.[2]

The petition is granted, and the filing date shall be returned to the original filing date of December 27, 2004, but without Figures 10a –10f.

The application will forwarded to OIPE for processing with a filing date of December 27, 2004, and the mailing of a corrected fling receipt, including only the papers filed on that date. Figures 10a –10f, submitted May 3, 2005, will not be entered.

Please note, the petition fee will not be refunded, since the petition was necessitated by applicant's error in the response to the "Notice To File Missing Parts of Nonprovisional Application."

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

[2] Applicant states, in the instant petition, "FIGS 10a-10f, which were not included with the original application papers, will be submitted with a Preliminary Amendment prior to the first Office Action."

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2/11/09

TO SPE OF : ART UNIT 2614

SUBJECT : Request for Certificate of Correction for Appl. No.: 11020675 Patent No.: 7428302 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, NO NEW MATTER

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

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HIGHLAND PLACE SUITE 310
6151 WILSON MILLS ROAD
HIGHLAND HEIGHTS OH 44143

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OFFICE OF PETITIONS

Applicant: Benisty et al.
Appl. No.: 11/020,688
Filing Date: December 22, 2004
U.S. Patent No.: 7,110,641
Issue Date: September 19, 2006
Title: DEVICE FOR DIRECTIONAL AND WAVELENGTH-SELECTIVE OPTICAL COUPLING
Attorney Docket No.: EG9005US
Pub. No.: US 2005/0152649 A1
Pub. Date: July 14, 2005

This is in response to the "Request for Corrected or Revised Patent Application Publication under 37 CFR 1.221(b)," which was received on September 22, 2005, for the above-identified application.

The request is DISMISSED as moot.

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

Since the application has already issued as U.S. Patent No. 7,110,641 on September 19, 2006, the request is deemed moot.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

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ECOLAB INC.
MAIL STOP ESC-F7, 655 LONE OAK DRIVE
EAGAN, MN 55121

Mail Date: 04/20/2010

Applicant	: Minyu Li	: DECISION ON REQUEST FOR
Patent Number	: 7612024	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/020,691	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **318** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

In re Application of	:	
Navaneet Kumar, et al.	:	
Application No. 11/020,694	:	DECISION GRANTING
Filed: December 22, 2004	:	PETITION
Attorney Docket No. ELSE-0868/E20040200	:	

This is a decision on the petition filed February 23, 2005, requesting that the above-identified application be accorded a filing date of December 22, 2004, rather than the presently accorded date of December 23, 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 December 22, 2004. In support, the petition is accompanied by a copy of Express Mail receipt No. EL 999296144 US, showing a "date-in" of December 22, 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 December 22, 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** December 22, 2004. Thereafter, the application file will be forwarded to Technology Center 2661 for examination in due course.

Telephone inquiries concerning this matter may be directed to Retta Williams at (571) 272-3229.

Marianne E. Jenkins

Marianne E. Jenkins
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Clifford Kraft
320 Robin Hill Dr.
Naperville IL 60540

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OFFICE OF PETITIONS

In re Application of
Clifford Kraft
Application No. 11/020,695
Filed: December 23, 2004
Title. System and Method For Detecting and Removing or Disabled RFID Tags

DECISION ON PETITION

This is a decision on the petition, filed July 2, 2007, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **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 reply to the non-final Office action mailed October 23, 2006, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on June 22, 2007.

Petitioner asserts that the Office action dated October 23, 2006 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition fails to satisfy all of the above-stated requirements. Item (3) has not been satisfied, Although petitioner states a copy of docket records has been provided , a review of the record shows only one sheet of paper has been provided which might constitute a docket record. To the extent the one sheet of paper is a docket record, more information regarding the docket record is required. 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.

Accordingly, absent the required evidence to establish nonreceipt of the Office action of October 23, 2006, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

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 $770.00 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
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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

Charlema Grant
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Clifford Kraft
Application No. 11/020,695
Filed: December 23, 2004
Title. System and Method For Detecting and Removing or Disabled RFID Tags

DECISION ON PETITION

This is a decision on the renewed petition, filed March 5, 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 **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 reply to the non-final Office action mailed October 23, 2006, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on June 22, 2007. A petition was dismissed on January 5, 2008.

Petitioner asserts that the Office action dated October 23, 2006 was not received. On renewed petition, petitioner has provided what appears to be an individual docket record. Petitioner has also provided information regarding updates in the docketing system to avoid future events of this kind

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 fails to satisfy all of the above-stated requirements. Item (3) has not been satisfied. Petitioner should provide a copy of a master docket, where the non received Office action would have been entered. If no master exists petitioner should states so. If no master docket exists petitioner should provide file jacket, incoming mail log; calendar and reminder system. Any of these documents will support the already submitted individual docket record. If petitioner cannot supplement the evidence already presented, petitioner should consider filing a petition under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

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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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PAUL E MILLIKEN
9061 WALL STRET, NW
MASSILLON OH 44646-1676

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OFFICE OF PETITIONS

In re Application of	:	
Mijo Radocaj	:	
Application No. 11/020711	:	DECISION
Filing or 371(c) Date: 12/23/2004	:	ON PETITION
Attorney Docket Number M0306	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 6, 2007, to revive the above-identified application. The delay in treating this petition is regretted.

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 14, 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 February 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 Request for Continued Examination (RCE) and fee, and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

This application is being referred to Technology Center AU 3673 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted with the petition in accordance with 37 CFR 1.114.

Derek L. Woods
Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/020,714	12/23/2004	Jeremy David Pearce	05786-0105US1	3954

23973 7590 12/05/2008
DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PA 19103-6996

EXAMINER
MCCORMICK EWOLDT, SUSAN BETH

ART UNIT	PAPER NUMBER
1661	

MAIL DATE	DELIVERY MODE
12/05/2008	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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ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA PA 19103-6996

DEC 0 5 2008

In re Application of:
Pearce et al.
Serial No.: 11/020,714
Filed: December 23, 2004
Attorney Docket No.: **05786-0105US1**

DECISION ON PETITION TO RESET REPLY PERIOD DUE TO NON-RECEIPT OF OFFICE ACTION

This is in response to applicants' petition under 37 CFR. § 1.181(a), filed on October 20, 2008, to reset a mailing date for an Office action that was received October 16, 2008.

A review of the file history shows that the examiner mailed a non-final Office action September 11, 2008, setting three-month shortened statutory time period for reply.

Applicants state that the action was received on October 16, 2008. Based on the evidence presented, it is concluded that the Office action of September 11, 2008 should be reset to October 16, 2008 as requested..

Applicant's petition is **GRANTED**.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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OFFICE OF PETITIONS

In re Application of	:	
Speir, Jack Harris	:	
Application No. 11/020,718	:	ON PETITION
Filed: December 23, 2004	:	
Attorney Docket No. 04-0056	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 23, 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. 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 3611 for action on the merits commensurate with this decision.

Liana Chase
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 1/30/08

TO SPE OF : ART UNIT 2855

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/620720 Patent No: 7059186B2

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 — 2855 Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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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	DRAWINGS	TOT CLMS	IND CLMS
11/020,731	12/21/2004	1645	500	IL-11450	2	9	2

CONFIRMATION NO. 6712

CORRECTED FILING RECEIPT

OC000000015463329

Eddie E. Scott
Assistant Laboratory Counsel
Lawrence Livermore National Laboratory
P.O. Box 808, L-703
Livermore, CA 94551

Date Mailed: 03/15/2005

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)

Robin R. Miles, Danville, CA;
Phillip Belgrader, Severna Park, MD;
Christopher K. Fuller, Oakland, CA;

Assignment For Published Patent Application

The Regents of the University of California

Power of Attorney:

Eddie Scott--25220
Alan Thompson--29981
James Tak--46367
Michael Staggs--50938
John Lee--53193

Domestic Priority data as claimed by applicant

This application is a CIP of 09/738,461 12/13/2000

Foreign Applications

If Required, Foreign Filing License Granted: 02/24/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/020,731

Projected Publication Date: 06/23/2005

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Sensor using impedance change to detect the end-point for PCR DNA amplification

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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MAR 24 2006

OFFICE OF PETITIONS

THERMO FINNIGAN LLC
355 RIVER OAKS PARKWAY
SAN JOSE CA 95134

In re Application of	:	
Mark M. Okamura et al	:	
Application No. 11/020,744	:	DECISION GRANTING PETITION
Filed: December 23, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 1019US/NAT	:	

This is a decision on the petition, filed February 16, 2006, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen month publication country on June 30, 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 was mailed on July 11, 2005.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center Art Unit 2881.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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LINDA B. LUDWIG
861 MAIN STREET
EAST AURORA, NY 14052

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JUL 29 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Linda B. Ludwig :
Application No. 11/020,772 :
Filed: December 23, 2004 :
Attorney Docket No. 25125.0DIV :

This is a decision on the petition under 37 CFR 1.182, filed June 27, 2005, requesting that the above-identified application be accorded a filing date of December 23, 2004, including twenty-one (21) sheets of drawings.

The application was submitted on December 23, 2004. However, on June 10, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application," (Notice) that stated the application had not been accorded a filing date, and that, among other items, the application was deposited without drawings.

In response, on June 27, 2005, the instant petition, an amendment and twenty-one (21) sheets of drawings were submitted.

Petitioner states:

> "The present application was deposited by Express Mail (Number ER 952428015 US) on December 23, 2004, as a divisional of application serial no. 10/135,545 ("the '545 application'"), which was filed on April 30, 2002. The '545 application is explicitly incorporated by reference into the present application on page 1 of the specification as filed.
>
> Applicant includes herewith the required petition fee of $400, the petition fee transmittal, and a Letter and Amendment submitting the necessary omitted materials. Under MPEP § 201.06(c), Applicant hereby requests that the necessary omitted material contained in the '545 application and submitted in this amendment be included in the present application based upon the incorporation by reference statement such that the present application is accorded the filing date as of the date of deposit of the present application by Express Mail, which was December 23, 2004."

Petitioner requests the use of the incorporation by reference statement found on the specification to incorporate-by-reference the drawings of prior application no. 10/135,545, filed April 30, 2002, in order to accord the above-identified application a filing date of December 23, 2004.

MPEP 201.06(c) states:

> "A. Application NOT Entitled to a Filing Date
>
> Material needed to accord an application a filing date may not be incorporated by reference. Therefore, if a continuation or divisional application as originally filed incorporates by reference material omitted from the application papers, which is needed to accord the application a filing date, the application will not be entitled to a filing date. A petition under 37 CFR 1.182 and the required petition fee, including an amendment submitting the necessary omitted material, requesting that the necessary omitted material contained in the prior application and submitted in the amendment, be included in the continuation or divisional application based upon the incorporation by reference statement, is required in order to accord the application a filing date as of the date of deposit of the continuation or divisional application. An amendment submitting the omitted material and relying upon the incorporation by reference will not be entered in the continuation or divisional application unless a decision granting the petition states that the application is accorded a filing date and that the amendment will be entered."

Petitioner has submitted the required petition, petition fee, and an amendment submitting the necessary omitted material, requesting that the necessary omitted material contained in the prior application and submitted in the amendment, be included in the continuation or divisional application based upon the incorporation by reference statement.

The petition is granted.

Based on petitioners' representation that the drawings supplied with the petition are a part of the disclosure of prior application no. 10/135,545 and that the entire disclosure of prior application no. 10/135,545 was specifically incorporated by reference in the present application on December 23, 2004, it appears that the drawings were present in the Office on December 23, 2004, albeit in the file of another application, i.e., application no. 10/135,545. Therefore, on petition, the application may be granted the requested filing date of December 23, 2004 and the amendment will be entered.

Of course, the primary examiner is expected to compare the drawings supplied on June 27, 2005, to the disclosure of prior application no. 10/135,545 in order to verify that the drawings are, in fact, part of the disclosure of the prior application.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of December 23, 2004, using the drawings supplied on June 27, 2005.

Telephone inquiries should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

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AUG 11 2008

Linda B. Ludwig
861 Main Street
East Aurora, NY 14052

In re Application of	:
Linda B. Ludwig	:
Serial No.: 11/020,772	:Decision on Petition
Filed : December 23, 2004	:

This letter is in response to the letter filed on filed on April 9, 2008 requesting reconsideration of the restriction requirement. The Petition from requirement for restriction was made under 37 C.F.R. 1.144.

BACKGROUND

On June 21, 2007, the examiner mailed a restriction requirement in which the original claims 1-6 were divided into 4 groups and required a species requirement to a particular substitution.

On September 25, 2007, Applicants filed a response to the restriction requirement. Applicants elected Claims 3 and 4 directed to a protein having SEQ ID No 29, with traverse. The applicant did not pick a species for examination.

On January 10, 2008, the examiner mailed to applicant a an Ex Parte Quayle Action. The examiner reviewed applicants arguments with respect to the rejoinder of SEQ ID NO: 39 but found the arguments non-persuasive. With respect to the election of species for Claim 4, the examiner found Claim 4 allowable and thus the election of species with regard to Group II has been withdrawn. The restriction requirement was made final.

On April 9, 2008, the Applicant filed a response and applicants filed this petition to request that the Office reconsider the restriction requirement.

DISCUSSION

The petition and file history have been carefully considered.

An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is

advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site http://www.uspto.gov in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

The petition cites Manual of Patent Examining Procedure (MPEP) 803.04 directed to the 1996 OG Notice, which granted a partial waiver for independent and distinct inventions. This argument has been reviewed but is not convincing.

An OG Notice published March 27, 2007 rescinded the 1996 OG Notice that provided for a partial waiver of the requirements for restriction practice by permitting examination of a reasonable number, up to ten, independent and distinct polynucleotide molecules in a single 35 USC 111(a) or 35 USC 371 application. The Notice indicated that the standard of independence and distinctness would be applied to polynucleotide claims filed in an application under 35 USC 111(a).

Additionally, the March 27, 2007 OG Notice specifically spoke to the issue of burden of searching more than one independent and distinct invention.

The petition asserts that invention is the discovery of a novel gene encoding a single antisense RNA that encodes at least three separate proteins. The petition then asserts the genes are novel and important as targets for vaccine development. The response appears to assert a combination of sequences would be useful. The arguments are not persuasive because no claims directed to a combination are presented and because applicants elected a protein, not an antisense NA for examination.

The MPEP explains that a single combination of nucleotide sequence may be pursued in 803.04. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a).

The petition states that it is particularly important that Claim 5 is included in the patent because it was derived from a gene sequence isolated from an individual who did not progress to immunodeficiency symptoms. This argument has been reviewed but deemed not persuasive. Applicant was given an opportunity to select an invention for examination. Applicant selected Group II and claims 3-4 were examined and subsequently noted as allowable. Applicants did not select the distinct protein sequence of SEQ ID NO: 33 for examination. Applicants are more than welcome to file a divisional application to obtain coverage for SEQ ID NO: 33.

The response further notes that the polypeptide sequence in Claim 6, namely SEQ ID NO: 36 was used to immunize rabbits and then used to isolate the HAPs. Applicant asserts that the examiner actually cites this as a reason for allowing Claims 3 and 4. This argument have been reviewed but is not persuasive. The examiner's reason for allowance cites the Ludwig paper from 2006 to state on the record that the allowed claims can be used to detect polypeptide in HIV patient serum. The examiner does not examine the polypeptide of SEQ ID NO: 36, as suggested by the petition.

The petition further requests cancellation of Claims 1 and 2, as the claims were allowed in a co-pending divisional application. The cancellation of claims may be done by an after final amendment. The petition requests rejoinder of Group III (Claim 5) and Group IV (Claim 6). Claim 5 is drawn to SEQ ID NO: 33; and Claim 6 is drawn to SEQ ID NO: 36. The proteins of SEQ ID NO: 33 and36 differ in structure and function from SEQ ID NO: 29. A search of SEQ ID NO: 29 would not be co-extensive for a search of SEQ ID NO: 33 or 36. Moreover, there is no allowable generic claim that encompasses the various proteins. Thus the claimed proteins are independent and distinct from each other.

Applicants newly presented claims after prosecution is closed will not be rejoined. As provided in MPEP 714.20, "(C) In an application in which prosecution on the merits is closed, i.e., after the issuance of an Ex Parte Quayle action, where an amendment is presented curing the noted formal defect and adding one or more claims some or all of which are in the opinion of the examiner not patentable, or will require a further search, the amendment in such a case will be entered only as to the formal matter. Applicant has no right to have new claims considered or entered at this point in the prosecution." Here the newly added Claims will not be entered as a matter or right.

DECISION

The petition is **DENIED** for the reasons set forth above.

The application will be forwarded to the examiner to assess the entry of the papers filed on 9 April 2008 in response to the Ex parte Quayle action.

Any request for reconsideration must be filed within two (2) months of the mailing date of this decision.

Should there be any questions about this decision, please contact Special Program Examiner Julie Burke, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-1600 or by facsimile sent to the general Office facsimile number, 571-273-8300.

John LeGuyader
Director, Technology Center 1600
jb/jg

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Linda B. Ludwig
861 Main Street
East Aurora, NY 14052

In re Application of	:
Linda B. Ludwig	:
Serial No.: 11/020,772	:Decision on Petition
Filed : 23 December 2004	:

This letter is in response to the letter filed on filed on October 15, 2008 containing a renewed request for reconsideration of the restriction requirement. The Petition from requirement for restriction was made under 37 C.F.R. 1.144.

BACKGROUND

This is a renewed petition. A review of the file history may be found in the petition decision mailed out on August 11, 2008, in which the Office denied applicant's petition for withdrawal of the restriction requirement.

On October 15, 2008, the Applicant filed a request for reconsideration of the Petition to the Director.

On 1 December 2008, applicants filed amendments to the specification and claims.

DISCUSSION

The petition and extensive file history have been carefully considered.

1. Pro Se Status

An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site http://www.uspto.gov in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

2. OG Notice Remarks

The petition filed October 15, 2008 requests reconsideration of the Petition filed April 9, 2008 to withdraw the restriction requirement between elected claims 3-4 (SEQ ID No 29) and non-elected Claim 5 (SEQ ID No 33) and Claim 6 (SEQ ID No 36).

The petition cites the Manual of Patent Examining Procedure (MPEP) section 803.04 directed to the 1996 Official Gazette (OG) Notice, which granted a partial waiver for independent and distinct inventions. This argument has been reviewed but is not convincing.

It is noted that on March 27, 2007 the Office published an OG Notice that rescinded the 1996 OG Notice that provided for a partial waiver of the requirements for restriction practice by permitting examination of a reasonable number, *up to ten*, independent and distinct polynucleotide molecules in a single 35 USC 111(a) or 35 USC 371 application. The 2007 OG Notice indicated that the standard of independence and distinctness would be applied to polynucleotide claims filed in an application under 35 USC 111(a).

The petition asserts that the OG Notice of 2007 was clearly not in effect at the time the divisional application was filed and that the applicant/inventor could not possibly have know at the time the application was filed of the later rules. This argument has been reviewed but is not persuasive. First, the application is restricted in the same, consistent manner as the parent application which also groups Claims 3-4 in Group II and found them distinct from claims to other proteins and nucleic acids, for examples. Second, as correctly pointed out by the applicant on page 2 of the renewed petition, the OG notice of 1996 provided for "up to ten" which clearly includes one.

Additionally, the March 27, 2007 OG Notice specifically spoke to the issue of burden of searching more than one independent and distinct invention.

The petition asserts that invention is the discovery of a novel gene encoding a single antisense RNA that encodes at least three separate proteins. The petition then asserts the genes are novel and important as targets for vaccine development. The response appears to assert a combination

of sequences would be useful. The arguments are not persuasive because no claims directed to a combination are presented and because applicants elected a protein, not an antisense RNA for examination.

The MPEP explains that a single combination of nucleotide sequence may be pursued in 803.04. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a).

While the Office certainly appreciates the significant effort invested by the inventor over 9 years of studies of the HIV antisense gene, beginning in October 1995, unfortunately, the Office would be unable to rejoin additional independent and distinct groups without accepting serious burden to search and examine more than one protein with the elected invention.

In this case, SEQ ID Nos 29, 33 and 36 are of different lengths (108, 90 and 14 amino acids in length, respectively) and have different sequences as illustrated by an alignment of the amino terminal regions of SEQ ID No 28, 33 and 36:

```
SEQ ID No 28   met gln his leu arg ala arg his ser pro val pro
SEQ ID No 33   met gln his leu arg ala arg his ser pro val pro
SEQ ID No 36   asp ala ala leu gly pro arg asp glu met leu gly

SEQ ID No 28   pro pro arg pro arg leu pro gly lys ser pro ala
SEQ ID No 33   pro arg pro arg leu leu gly lys ser pro pro glu
SEQ ID No 36   gly cys
```

A search query performed using SEQ ID No 36, for example, would not be likely to identify prior art relevant to SEQ ID No 28 or 33. For this reason, searching the inventions of SEQ ID Nos 29, 33 and 36 together would impose a serious burden. Because there is no allowable generic claim that encompasses the various proteins, the claimed proteins are considered independent and distinct from each other.

The newly presented claims submitted by applicant after prosecution is closed are noted. As provided in MPEP 714.20, "(C) In an application in which prosecution on the merits is closed, i.e., after the issuance of an Ex Parte Quayle action, where an amendment is presented curing the noted formal defect and adding one or more claims some or all of which are in the opinion of the examiner not patentable, or will require a further search, the amendment in such a case will be entered only as to the formal matter. Applicant has no right to have new claims considered or entered at this point in the prosecution." Here the newly added Claims will not be entered as a matter of right.

DECISION

The renewed petition is **DENIED** for the reasons set forth above.

The application will be forwarded to the examiner to consider the status of the papers filed 1 December 2008 including newly amended Claims 7 and 8.

Any request for reconsideration must be filed within two (2) months of the mailing date of this decision.

Should there be any questions about this decision, please contact Quality Assurance Specialist Julie Burke, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-1600 or by facsimile sent to the general Office facsimile number, 571-273-8300.

John LeGuyader
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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DALY, CROWLEY, MOFFORD & DURKEE, LLP
SUITE 301A
354A TURNPIKE STREET
CANTON, MA 02021-2714

Mail Date: 05/28/2010

Applicant	: Michael E. Zalis	: DECISION ON REQUEST FOR
Patent Number	: 7630529	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/020,775	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

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JUN 29 2007

OFFICE OF PETITIONS

In re Application of	:	
KOO, Tae-Woong et al.	:	
Application No. 11/020,776	:	DECISION ON PETITION
Filed: December 23, 2004	:	TO WITHDRAW
Attorney Docket No. **21058/1206734-US1**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 02, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP has been revoked by the assignee of the patent application on June 09, 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: **DARBY & DARBY P.C.**
P.O. BOX 770
Church Street Station
New York NY 10008-0770

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Myers Bigel Sibley & Sajovec
PO Box 37428
Raleigh, NC 27627

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JUL 17 2007

OFFICE OF PETITIONS

In re Application of	:	
Joseph M. DeSimone et al.	:	
Application No. 11/020,779	:	DECISION ON PETITION
Filed: December 22, 2004	:	TO WITHDRAW
Attorney Docket No. 9362-7	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 17, 2007.

The request is **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 Needham James Boddie, II on behalf of all attorneys of record.

All attorneys/agents have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is no outstanding Office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Joseph M. DeSimone**
7315 Crescent Ridge Drive
Chapel Hill, NC 27516

cc: **Myers Bigel Sibley & Sajovec**
PO Box 37428
Raleigh, NC 27627

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/020,779	12/22/2004	Joseph M. DeSimone	9362-7

CONFIRMATION NO. 6166

OC000000024854406

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

Date Mailed: 07/17/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/17/2007.

- 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.

Terri Williams

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

FORMER ATTORNEY/AGENT COPY

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THE SONI LAW FIRM
55 S. LAKE AVE SUITE 720
PASADENA CA 91101

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MAR 24 2008

OFFICE OF PETITIONS

In re Application of	:	
Dilip Bhavnani	:	
Application No. 11/020781	:	ON PETITION
Filing Date: 12/22/2004	:	
Attorney Docket Number:	:	
SS 230U	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 10, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 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 and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is September 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 Request for Continued Examination (RCE) and fee, and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

This application is being referred to Technology Center AU 2833 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Derek L. Woods
Attorney
Office of Petitions

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MARK MULLER
SCHWEGMAN, LUNDBERG
& WOESSNER, P.A.
1600 TCF TOWER
121 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402

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FEB 26 2008

In re Application of	:	
Trent GROVER	:	
Application No. 11/020,787	:	DECISION ON PETITION
Filed: December 22, 2004	:	TO WITHDRAW
Attorney Docket No.	:	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 September 11, 2007.

The request is **NOT APPROVED**.

A review of the file record indicates that Mark Muller does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: LEMAIRE PATENT LAW FIRM, P.L.L.C.
P.O. BOX 11358
ST PAUL MN 55111

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

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APR 06 2005

OFFICE OF PETITIONS

In re Application of	:	
Gallagher, et al.	:	DECISION GRANTING
Application No. 11/020,789	:	PETITION
Filed: December 21, 2004	:	
Attorney Docket No. 017887-005930US	:	

This is a decision on the petition under 37 CFR 1.10(d), filed February 28, 2005, which has been treated as a petition under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of December 21, 2004, rather than the presently accorded filing date of December 22, 2004.

Petitioners allege that the application was deposited in Express Mail service on December 21, 2004. In support, the petition is accompanied by a copy of Express Mail Receipt No. EV338468343US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of December 21, 2004.

In view of the above, and of other documentation found the file, the petition is **GRANTED**.

Accordingly, the application is entitled to a filing date of December 21, 2004.

The application is being returned to the Office of Initial Patent Examination for processing with a filing date of December 21, 2004 and issuance of a corrected filing receipt.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
United States Patent and Trademark Office

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MAR 0 8 2006

OFFICE OF PETITIONS

In re Application of	:	
Gallagher et al.	:	DECISION ON PETITION
Application No. 11/020,789	:	TO WITHDRAW
Filed: December 21, 2004	:	FROM RECORD
Attorney Docket No. 017887-005930US	:	

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 29, 2005.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to the attorneys/agents associated with Customer Number 20350 has been revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.136(b) is moot.

All future communications from the Office will to be directed to the below-listed address.

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: BRINKS HOFER GILSON & LIONE / YAHOO! OVERTURE
P.O. BOX 10395
CHICAGO IL 60610

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Paper No.

Chang B. Hong
21 Lafayette St.
Suite 200
Lebanon, NH 03766

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JAN 31 2006

OFFICE OF PETITIONS

In re Application of	:	
Bobrowicz et al.	:	DECISION ON PETITION
Application No. 11/020,808	:	
Filed: December 22, 2004	:	
Atty Docket No. GFI - 10	:	

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed November 1, 2005.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.137(b)."

The above-identified application became abandoned for failure to reply in a timely manner to the "Notice to File Missing Parts of Application - Filing Date Granted" mailed January 28, 2005. 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 C.F.R. §1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 29, 2005. A courtesy Notice of Abandonment was mailed on October 21, 2005.

Petitioner maintains 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. Petitioner asserts that the Notice to File Missing Parts was never received by

Applicant. Moreover, Applicant was not aware of the outstanding Notice until receipt of the Notice of Abandonment.

Given petitioner's explanation of the delay, consideration is preliminarily given to whether withdrawal of the holding of abandonment based on failure to receive the Office action is warranted. The instant petition was filed promptly. However, petitioner did not make the required showing. A review of the application file reveals that the NOTICE TO FILE MISSING PARTS OF APPLICATION was mailed to the correspondence address of record. The presumption that the communication was properly mailed to the applicant at the correspondence address of record is not overcome. The showing required to establish non-receipt of the Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. See MPEP 711.03(c) at 700-87; Withdrawing the Holding of Abandonment When Office Actions Are Not Received, 1156 O.G. 53 (November 16, 1993).

Consideration of petition under § 1.137(b)

Accordingly, consideration now turns to whether revival of the application is warranted under 37 C.F.R. §1.137(b). A grantable petition under §1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 C.F.R. §1.17(m); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer (and fee as set forth in §1.20(d)) required pursuant to §1.137(d). The instant petition lacks item (1).

To assist Applicant in satisfying requirement (1), a copy of the NOTICE TO FILE MISSING PARTS OF APPLICATION as mailed January 28, 2005 is enclosed.

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 related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: NOTICE TO FILE MISSING PARTS dated 1/28/05 (2 pgs.)

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Paper No.

Chang B. Hong
21 Lafayette St.
Suite 200
Lebanon, NH 03766

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APR 7 2006
OFFICE OF PETITIONS

In re Application of :
Bobrowicz et al. : DECISION ON PETITION
Application No. 11/020,808 :
Filed: December 22, 2004 :
Atty Docket No. GFI - 10 :

This is a decision on the renewed PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed March 27, 2006.

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 - Filing Date Granted" mailed January 28, 2005. 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 C.F.R. §1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 29, 2005. A courtesy Notice of Abandonment was mailed on October 21, 2005. By decision mailed January 31, 2006, the initial petition filed November 1, 2005, was dismissed for failure to include the required reply.

On instant renewed petition, applicants filed the required reply in the form of the outstanding fees required in the Notice.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. The application is thereby forwarded to OIPE for processing of the response (payment of fees) filed March 27, 2006.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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
11/020,815	12/22/2004	2879	1130	YKI-0171	8	14	3

CONFIRMATION NO. 6437

CORRECTED FILING RECEIPT

OC000000015277213

23413
CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD, CT 06002

Date Mailed: 02/25/2005

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)

Koji Suzuki, Residence Not Provided;
Ryuji Nishikawa, Residence Not Provided;
Kiyoshi Yoneda, Residence Not Provided;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN 2003-435823 12/26/2003

If Required, Foreign Filing License Granted: 01/31/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/020,815

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Display device and method for manufacturing the same

Preliminary Class

313

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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REISING, ETHINGTON, BARNES, KISSELLE, P.C.
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TROY MI 48099-4390

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JUL 1 8 2008

OFFICE OF PETITIONS

In re Patent No. 7,316,403 :

Issue Date: January 8, 2008 :

Application No. 11/020,818 : ON PETITION

Filed: December 22, 204 :

Attorney Docket No. #013[2756.3015.001]

This is a decision on the petition filed February 1, 2008, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee data on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **granted**.

Deposit account 50-0852 will be charged $130.00 for the request.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

The file is being forwarded to Technology Center 3700, GAU 3722 for consideration of the other corrections requested on Certificate of Correction. Thereafter, the file will be directed to the Certificate of Correction Branch for issuance of the requested Certificate of Correction.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

[1] See *Official Gazette* of June 22, 2004.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/19/07

TO SPE OF : ART 2161

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/020847** Patent No.: **7277898**

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Angela Green
Certificates of Correction Branch
703.308.9380 ext. 123

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

APU MOFIZ
SUPERVISORY PATENT EXAMINER
SPE

2161
Art Unit

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OFFICE OF PETITIONS

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

In re Application of Van Duzer et al Application No. 11/020,870 Filed: 12/22/2004 Attorney Docket No. 50150/073002	: : : : : : :	DECISION ON APPLICATION FOR PATENT TERM ADJUSTMENT

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT (UNDER 37 C.F.R. § 1.705" filed 16 May, 2007. Patentees request that the Patent Term Adjustment for the above-identified patent be set at 59 days.

The application for patent term adjustment patent is **DISMISSED**.

Applicants are given **TWO (2) MONTHS** to respond to this decision. No extensions of time will be granted under § 1.136.

On 22 December, 2004, the application was filed. On 4 April, 2007, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is four (4) days.

The Office initially determined a patent term adjustment of four (4) days based on an adjustment for PTO delay of one hundred fifty two (152) days, pursuant to 35 U.S.C. § 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), reduced by ninety-three (93) days and fifty-five (55) days of applicant delay pursuant to 37 C.F.R. § 1.704(b).

Applicants contend that there should have been no reduction for the filing of the Terminal Disclaimer on 21 March, 2007, after the filing of a Response after Non-final Action filed on 25 January, 2007, because the Terminal Disclaimer was expressly requested by the examiner.

37 CFR 1.704(c)(8) provides that the filing of a supplemental reply, other than one expressly requested by the examiner, constitutes a failure to engage in reasonable efforts to conclude processing or examination. The Terminal Disclaimer was submitted 55 days after a response was filed. The showing of record does not support a finding that the Terminal Disclaimer was expressly requested by the examiner. Accordingly, the reduction of 55 days is warranted and will not be removed.

It is further noted that the submission of a reply having an omission is a failure to engage within the meaning of 37 C.F.R. § 1.704(c)(7). Accordingly, if the Terminal Disclaimer filed on 21 March, 2007, was filed to correct an omission in the response filed on 25 January, 2007, then 37 C.F.R. § 1.704(c)(7) would serve as a proper alternative basis for the reduction of 55 days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application file is being forwarded to the Office of Patent Publication for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Douglas I. Wood, Senior Petitions Attorney, at (571) 272-3231.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

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JAN 08 2008

OFFICE OF PETITIONS

In re Patent No. 7,271,165	:	DECISION ON REQUEST FOR
Van Duzer et al.	:	RECONSIDERATION OF
Issued: September 18, 2007	:	PATENT TERM ADJUSTMENT
Application No. 11/020,870	:	and
Filed: December 22, 2004	:	NOTICE OF INTENT TO ISSUE
Attorney Docket No.	:	CERTIFICATE OF CORRECTION
50150/073002	:	

This is a decision on the "REPLY TO DECISION ON APPLICATION FOR PATENT TERM ADJUSTMENT," filed on October 19, 2007. Patentees again request that the patent term adjustment indicated on the face of the patent be corrected from four (4) days to fifty-nine (59) days.

The request for reconsideration of the patent term adjustment indicated in the patent is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of FIFTY NINE (59) days.

On December 22, 2004, the application was filed. On April 4, 2007, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is four (4) days.

The Office initially determined a patent term adjustment of four (4) days based on an adjustment for PTO delay of one hundred fifty two (152) days, pursuant to 35 U.S.C. § 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), reduced by ninety-three (93) days and fifty-five (55) days of applicant delay pursuant to 37 C.F.R. § 1.704(b).

On May 16, 2007, an application for patent term adjustment under 37 CFR 1.705 was filed, in which applicant asserted that should have been no reduction for the filing of the Terminal Disclaimer on March 21, 2007, after the filing of a Response after Non-final Action filed on January 25, 2007, because the Terminal Disclaimer was expressly requested by the examiner. On August 17, 2007, the application for patent term adjustment was dismissed because the showing of record did not support a finding that the Terminal Disclaimer had been expressly requested by the examiner.

On October 19, 2007, the present request for reconsideration was filed. Patentees assert that the Terminal Disclaimer was in fact expressly requested in a telephone conversation held on March 22, 2007, between the examiner and patentee's registered patent practitioner. In support, patentees have provided a declaration by registered patent practitioner Michael J. Belliveau, Ph.D., in which he states that he spoke to the examiner on March 21 and 22, 2007, concerning a potential obviousness-type double patenting rejection, and that a Terminal Disclaimer was requested to overcome that rejection. A telephone call log showing two calls to the examiner's telephone number on the above-referenced dates has also been provided.

The showing of record is that the patentees have presented persuasive evidence that the Terminal Disclaimer was, in fact, expressly requested by the examiner.

Thus, the period of adjustment for applicant delay is 93 days, not 148 days.

In view thereof, the patent should have issued with a revised patent term adjustment of fifty-nine (59) days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The Certificates of Correction Branch has been advised of this decision. The Certificates of Correction Branch is thereby forwarded this application for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **fifty-nine (59)** days.

Telephone inquiries specific to this matter should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,271,165 B2

DATED : September 18, 2007

INVENTOR(S) : van Duzer et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (4) days

Delete the phrase "by 4 days" and insert – by 59 days--

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BAUSCH & LOMB INCORPORATED
ONE BAUSCH & LOMB PLACE
ROCHESTER NY 14604-2701

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JUN 0 4 2009

OFFICE OF PETITIONS

In re Application of	:	
Vaquero, Edward	:	
Application No. 11/020,879	:	ON PETITION
Filed: December 22, 2004	:	
Attorney Docket No. P03311	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 2, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Response, (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 AU 3773 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN NC 28562

In re Application of	:	
Dieter GEIGER	:	DECISION ON PETITION
Application No. 11/020,884	:	UNDER 37 CFR 1.78(a)(3)
Filed: December 22, 2004	:	
Attorney Docket No. 2002P00797WOUS	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 28, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 365(c) for the benefit of priority to prior-filed PCT Application No. PCT/EP03/08054, filed July 23, 2003, set forth in the accompanying Application Data Sheet (ADS) (the international application number is referred to in the petition and ADS as PCT/EP2003/008054).

The petition under 37 CFR 1.78(a)(3) is **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

All the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 and 365(c) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the application is entitled to the benefit of the prior-filed application. In order for the application to be entitled to the

benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to David Bucci at (571) 272-7099. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to the examiner of Technology Center Art Unit 2629 for appropriate action on the amendment filed April 28, 2006, including consideration of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 and 365(c) to the above-noted, prior-filed PCT application.

David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/020,884	12/22/2004	2629	1000	2002P00797WOUS	1	17	3

CONFIRMATION NO. 4851

CORRECTED FILING RECEIPT

OC000000021265457

000046726
BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN, NC 28562

Date Mailed: 11/16/2006

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)

Dieter Geiger, Kelheim, GERMANY;

Assignment For Published Patent Application

BSH Bosch und Siemens Hausgerate GmbH, Munich, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number **000046726**.

Domestic Priority data as claimed by applicant

This application is a CON of PCT/EP03/08054 07/23/2003

Foreign Applications

GERMANY 102 34 922.3 07/31/2002

If Required, Foreign Filing License Granted: 02/07/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/020,884

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Input device and method for inputting information into a control unit

Preliminary Class

345

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted

under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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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Paul A. Leipold
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester NY 14650-2201

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JUN 23 2008

OFFICE OF PETITIONS

In re Application of

Furlani, et al.

Application No. 11/020,909

Filed: December 22, 2004

Attorney Docket No. 87987PAL

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), June 2, 2008, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely remit the issue fee of $1440.00 and publication fee of $300.00 as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed January 23, 2008. The Notice set forth a three (3) month statutory period for reply. No response was received within the allowable period. Accordingly, this application became abandoned on April 24, 2008. A Notice of Abandonment was mailed on May 20, 2008.

The issue fee and publication fee were received on May 1, 2008.

Form PTOL-85B, filed May 1, 2008, is noted and made of record.

The application is being directed to the Office of Data Management for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Sung-Hoi Hur, et al.	:	
Application No. 11/020,920	:	DECISION GRANTING PETITION
Filed: December 23, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 5649-1468	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 20, 2006, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 10, 2006 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to April Wise at (571) 272-1642.

This application is being referred to Technology Center AU 2818 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Frances Hicks

Frances M. Hicks
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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c/o LYON & HARR, LLP
300 ESPLANADE DRIVE
SUITE 800
OXNARD, CA 93036

MAIL

AUG 2 1 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Bernhard Schoelkopf, *et al.*
Serial No.: 11/020,926
Filed: December 22, 2004
For: INTERACTIVE IMAGES

DECISION ON PETITION
ACCEPTANCE OF COLOR DRAWINGS

This is a decision on the petition under 37 CFR 1.84(a)(2) filed December 22, 2004 requesting acceptance of drawings.

The petition request that the color drawings identified in Figures 5(a), 5(b), 5(c), 7(a), 7(b), 7(c), 7(d), 8, 9, 11(a), 11(b), 11(c), 11(d), 12(a), 12(b), 13, 14, 15, 16, 18, 19(a), 19(b) and 20 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color photographs in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is **GRANTED**.

Kenneth Weider
Quality Assurance Specialist
Technology Center 2600
Communications

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PERKINS SMITH & COHEN LLP
ONE BEACON ST
30TH FLOOR
BOSTON MA 02108

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JAN 24 2005

OFFICE OF PETITIONS

In re Application of	:	
Justin D. Pearlman	:	
Application No. 11/020,927	:	ON PETITION
Filed: December 23, 2004	:	
Attorney Docket No. 13331-101CIP	:	

This is a decision on the "PETITION TO CORRECT FILING DATE UNDER 37 C.F.R. § 1.10(c)", filed January 11, 2005, to accord the above-identified application a filing date of December 23, 2004.

The petition is **GRANTED**.

Petitioner argues that the above-identified application was filed on December 23, 2004, not December 22, 2004. In support thereof, petitioner has included a copy of an Express Mail mailing label, bearing Express Mail number EV 022365303 US, and containing a date-in entry and a USPS stamp dated December 23, 2004.

37 CFR 1.10(c) states that any person filing correspondence under 37 CFR 1.10, who can show that there is a discrepancy between the filing date accorded by the Office and the date of deposit as shown by the "date-in" on the Express Mail mailing label, may petition the Office to accord the correspondence a filing date as of the "date-in" on the Express Mail mailing label, provided:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fees(s) that constitute the correspondence prior to the original mailing by "Express Mail";

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

Here, petitioner has met requirements (1), (2), and (3) above.

In view of the above, the application is entitled to a filing date of December 23, 2004.

Given the basis for granting this petition, no petition fee was required, and none has been charged.

The application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of **December 23, 2004, not December 22, 2004.**

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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JUL 24 2008

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c/o LYON & HARR, LLP
300 ESPLANADE DRIVE
SUITE 800
OXNARD, CA 93036

In re Application of
Bernhard Schoelkopf *et al.*
Serial No.: 11/020,943
Filed: December 22, 2004
For: INTERACTIVE IMAGES

DECISION ON PETITION
ACCEPTANCE OF COLOR DRAWINGS

This is a decision on the petition under 37 CFR §1.84(a)(2) filed December 22, 2004 requesting acceptance of color drawings.

The petition requests that the color drawings identified in Figure 5(a), 5(b), 5(c), 7(a), 7(b), 7(c), 7(d), 8, 9, 11(a), 11(b), 11(c), 11(d), 12(a), 12(b), 13, 14, 15, 16, 18, 19(a), 19(b) and 20 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is **GRANTED**.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1·9·04

TO SPE OF : ART UNIT 3725

SUBJECT : Request for Certificate of Correction on Patent No.: 6,959,577

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Certificates of Correction Branch - PK 3-915
Palm location **7580** - Tel. No. 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ Approved — All changes apply.
- ☐ Approved in Part — Specify below which changes do not apply.
- ☐ Denied — State the reasons for denial below.

Comments:

SPE

3725
Art Unit

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 08/04/2010

Applicant	: Luke Chang	: DECISION ON REQUEST FOR
Patent Number	: 7668194	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/020,945	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1056** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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KIMBERLY-CLARK WORLDWIDE, INC.
Tara Pohlkotte
2300 Winchester Rd.
NEENAH, WI 54956

Mail Date: 04/21/2010

Applicant	: Michael T. Morman	: DECISION ON REQUEST FOR
Patent Number	: 7651653	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/020,970	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1189** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

Mail Date: 04/26/2010

Applicant	: Reiko M. Nakamura	: DECISION ON REQUEST FOR
Patent Number	: 7655218	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/020,974	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

Mail Date: 04/21/2010

Applicant	: David James Shortman	: DECISION ON REQUEST FOR
Patent Number	: 7578473	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/020,988	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1218** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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AGILENT TECHNOLOGIES, INC.
Legal Department, DL 429
Intellectual Property Administration
P.O. Box 7599
Loveland CO 80537-0599

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SEP 20 2005
OFFICE OF PETITIONS

In re Application of	:	
Yoganandan et al.	:	DECISION ACCORDING STATUS
Application No. 11/020,998	:	UNDER 37 CFR 1.47(a)
Filed: December 23, 2004	:	
Attorney Docket No. 70040330-1	:	
For: Color Management System	:	

This is in response to the petition under 37 CFR 1.47(a), filed on March 29, 2005. The present petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office apologizes for any inconvenience.

The petition is granted.

Applicant showed that Fakhrul Arifin Mohd Afif, the non-signing inventor, refused to join in the filing of the above-identified application after having been mailed the application papers. Specifically, the statement of facts of Calvin B. Ward established that applicant mailed the application papers via Federal Express to the last known address of the non-signing inventor. Applicant stated that inventor Afif received the Federal Express package as evidenced by the tracking information submitted with the petition.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the present petition. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being referred to Technology Center Art Unit 2878 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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Fakhrul Arifin Mohd Afif
Elais 2 Apartment 08-02-9 Block D Jalan U8/1 Seksyen U8
Bukit Jelutong Shah Alam, Malaysis
AIR MAIL

COPY MAILED

SEP 20 2005

OFFICE OF PETITIONS

In re Application of	:	
Yoganandan et al.	:	LETTER
Application No. 11/020,998	:	
Filed: December 23, 2004	:	
Attorney Docket No. 70040330-1	:	
For: Color Management System	:	

Dear Mr. Afif:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

AGILENT TECHNOLOGIES, INC.
Legal Department, DL 429
Intellectual Property Administration
P.O. Box 7599
Loveland CO 80537-0599

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 3/27/08

TO SPE OF : ART UNIT 1652

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/021014 Patent No: 7291711 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.

- [x] **Approved** — All changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: Examiner approves the corrections submitted on 6/3/08 only. HR

Nathaniel T. Nathed
SPE

1652
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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AVON PRODUCTS, INC.
AVON PLACE
SUFFERN NY 10901

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SEP 16 2008

In re Application of	:	
Dryer et al.	:	
Application No. 11/021024	:	
Filing or 371(c) Date: 12/22/2004	:	ON PETITION
Attorney Docket Number:	:	
SC84U-US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 29, 2008, to revive the above-identified application.

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed November 28, 2007. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). Applicant filed a reply on February 28, 2007; however, the reply failed to place the application in condition for allowance. Applicant was so notified in an Advisory Action mailed March 25, 2008. No complete and proper reply having been received, the application became abandoned on February 29, 2008. A Notice of Abandonment was mailed June 25, 2008.

Applicant files the present petition, and as the reply refers to the Amendment filed February 28, 2008.

Applicable law, Rules and MPEP

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 present petition and amendment filed February 28, 2008

The Examiner reviewed the Amendment and as noted in the Advisory Action mailed March 25, 2008, concluded that the Amendment fails to place the application in condition for allowance[1].

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Inquiries regarding the Amendment should be directed to the Examiner. Telephone inquiries concerning this petition Decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

[1] 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).

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AVON PLACE
SUFFERN NY 10901

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OFFICE OF PETITIONS

In re Application of	:	
Dryer et al.	:	
Application No. 11/021024	:	
Filing or 371(c) Date: 12/22/2004	:	ON PETITION
Attorney Docket Number:	:	
SC84U-US	:	

This is a decision on the request for reconsideration of petition under 37 CFR 1.137(b), filed September 29, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed November 28, 2007. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). Applicant filed a reply on February 28, 2007; however, the reply failed to place the application in condition for allowance. Applicant was so notified in an Advisory Action mailed March 25, 2008. No complete and proper reply having been received, the application became abandoned on February 29, 2008. A Notice of Abandonment was mailed June 25, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee (and the submission required by 37 CFR 1.114, filed August 28, 2008); (2) the petition fee; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

This application is being referred to Technology Center AU 1617 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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OFFICE OF PETITIONS

ROBERT L. RISPOLI
CLAYMAN, TAPPER & BARAM, LLC
3 REGENCY DRIVE
BLOOMFIELD, CT 06002

In re Application of	:	
Andy S, Aziz	:	
Application No. 11/021,033	:	ON PETITION
Filed: December 23, 2004	:	
Attorney Docket No. AA1204	:	

This is a decision in response to the petition, filed March 10, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

A review of the record discloses that the application became abandoned on February 2, 2008 for failure to reply in a timely manner to the non-final Office action mailed November 1, 2007, which set a shortened statutory period for reply of three (3) months. It is noted that a response was filed on March 7, 2008, without an appropriate petition for extension of time. A one-month extension of time was subsequently filed on June 12, 2008. However, extensions of time under 37 CFR 1.136 are available only if asked for "prior to or with the response." In no case, 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, i.e., February 2, 2008. A Notice of Abandonment was subsequently mailed on December 31, 2008. On March 10, 2009, the present petition was filed.

It is noted that, while the petition indicates a terminal disclaimer is enclosed, no terminal disclaimer was found enclosed. In any event, a terminal disclaimer is not required since this application is filed *after* June 8, 1995.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay[1].

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application is being referred to Technology Center AU 3696 for appropriate action by the Examiner in the normal course of business on the amendment received March 7, 2008.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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COOK, ALEX, MCFARRON, MANZO, CUMMINGS & MEHLER LTD
SUITE 2850
200 WEST ADAMS STREET
CHICAGO, IL 60606

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OFFICE OF PETITIONS

In re Application of	:	
Tetsuo Tsutsui, et al.	:	
Application No. 11/021,070	:	ON PETITION
Filed: December 22, 2004	:	
Attorney Docket No.: 0553-0220.01	:	

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 August 8, 2006, using a Certificate of Mailing or Transmission under 37 CFR 1.8 dated August 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 2879 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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MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

MAILED

NOV 10 2009

OFFICE OF PETITIONS

In re Application of	:	
Peter D. Karabinis, et al.	:	
Application No. 11/021,077	:	DECISION GRANTING PETITION
Filed: December 23, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 9301-2IP2	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, November 9, 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 October 23, 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 Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2618 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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MAY 10 2010
OFFICE OF PETITIONS

Wisconsin Alumni Research Foundation (WARF)
C/O Foley & Lardner LLP
Verex Plaza, 150 East Gilman Street
Madison WI 53703-1481

In re Patent No.7,558,305	:
Botez, et al.	:DECISION FOR REQUEST
Issue Date : July 7, 2009	:FOR RECONSIDERATION
Application No. 11/021,095	:OF PATENT TERM
Filed: December 21, 2004	:ADJUSTMENT
Attorney Docket No. 032026-0839	:

This is a decision on the "Request for Reconsideration of Patent Term Adjustment under 37 CFR 1.705", filed September 4, 2009, which is properly treated under 37 CFR 1.705(d). Patentees request that the patent term adjustment indicated on the face of the Letters of Patent be corrected from five hundred and twenty-five (525) days to eight hundred and thirty-six (836).

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by three hundred forty-eight (348) days is **GRANTED to the extent indicated herein.**

It is agreed that the instant patent issued 3 years and 564 days after its filing date. However, § 1.703(b)(1) provides, in pertinent part, that:

> The period of adjustment under § 1.702(b) is the number of days, if any, in the period beginning the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) . . . and ending on the date a patent was issued, but not including the sum of the following periods:
>
> (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.

Thus, the filing of a request for continued Examination (RCE) cuts-off the applicants' ability to accumulate any additional patent term adjustment against the three-year pendency provision, but does not otherwise affect patent term adjustment. In this instance, an RCE was filed on December 18, 2007[1]. Thus, the ability to accumulate any additional patent term adjustment against the three-year pendency provision ended December 17, 2007—the day before the date the RCE was filed. Applicants are not entitled to any additional patent term adjustment because the RCE was filed before the expiration of the three-year pendency of the application.

In light of the aforementioned, it is noted that the patentees were granted 177 days of patent term adjustment pursuant to 37 CFR 1.702(b). The entry of this 177-day period of adjustment was improper as the ability to accumulate any additional patent term adjustment against the three-year pendency provision ended December 17, 2007, the day before the date the RCE was filed. It is noted that the RCE was filed prior to the end of the maximum three year period, which ended December 21, 2007. Patentees are, therefore, not entitled to any additional adjustment of the patent term pursuant to 37 CFR 1.702(b). Accordingly, the period of adjustment of 177 days is being removed.

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.

---

[1] It is noted that the Request for Continued Examination was determined to be improper. Whether or not the RCE is deemed to be proper relative to prosecution of the application is irrelevant to its impact on patent term adjustment for the application. In any case, the applicants' ability to accumulate any additional patent term adjustment against the three-year pendency provision ended December 17, 2007, the day before the date the RCE was filed.

The Office acknowledges receipt of the fee under 37 CFR 1.18(e). 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 **three hundred forty-eight (348)** days.

Telephone inquiries specific to this matter should be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,558,305 B2

DATED : Jul. 7, 2009

INVENTOR(S) : Botez 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 (525) days

Delete the phrase "by 525 days" and insert – by 348 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/021,099	12/23/2004	2179	1130	310173.01/50037.348US01	4	11	3

CONFIRMATION NO. 3827

CORRECTED FILING RECEIPT

OC000000016213407

27488
MICROSOFT CORPORATION
C/O MERCHANT & GOULD, L.L.C.
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

Date Mailed: 06/07/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Balaji Balasubramanyan, Redmond, WA;
Ryan Robert Stocker, Seattle, WA;
William James Griffin, Sammamish, WA;
Pat Miller, Sammamish, WA;
Paula Cooper, Kirkland, WA;

Assignment For Published Patent Application

Microsoft Corporation, Redmond, WA

Power of Attorney: The patent practitioners associated with Customer Number **23552**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 02/02/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/021,099

Projected Publication Date: 06/29/2006

Non-Publication Request: No

Early Publication Request: No

Title

System and method for author-driven template switching in the development and modification of web pages

Preliminary Class

715

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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ALBERT B. KIMBALL, JR.
BRACEWELL & PATTERSON L L P
711 LOUISANA SUITE 2300
HOUSTON TX 77002

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JUN 16 2008

OFFICE OF PETITIONS

In re Application of :
Calderon :
Application No. 11/026,103 :
Filed: December 30, 2004 :
Attorney Docket No. 013962.009001.002 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 1, 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 September 13, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is 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 a Request for Continued Examination (RCE) (including required fee and the submission required by 37 CFR 1.114 in the form of a previously submitted petition); (2) the required petition fee; and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $525.00 extension of time fee submitted with the petition on 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.

The correspondence address contained in the petition differs from that in the record. This decision is being mailed as a courtesy to both addresses. However, all future correspondence concerning this application will be directed to the correspondence address of record until such time as appropriate instruction to the contrary is received.

This application is being referred to Technology Center AU 3767 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.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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SIDLEY AUSTIN BROWN &
WOOD LLP (LAIP GROUP)
555 W. FIFTH ST., SUITE 4000
LOS ANGELES, CA 90013

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OFFICE OF PETITIONS

In re Application of

Stenzler, et al. :

Application No. 11/021,109

: DECISION ON PETITION

Filed: December 23, 2004

:

Attorney Docket No. 23086-81504

This is a decision on the petition under 37 CFR 1.137(b), filed April 14, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 6, 2005, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on December 7, 2005.

The amendment, filed April 14, 2006, is noted and made of record.

The application is being forwarded to Technology Center 3700, GAU 3761 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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BEYER LAW GROUP LLP
P.O. BOX 1687
CUPERTINO CA 95015-1687

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FEB 10 2009

OFFICE OF PETITIONS

In re Application of	:	
Greg Neal	:	
Application No. 11/021,130	:	ON APPLICATION FOR
Filed: December 21, 2004	:	PATENT TERM ADJUSTMENT
Attorney Docket No. GENSP012D2	:	

This is in response to the REQUEST FOR RECONSIDERATION FOR PATENT TERM ADJUSTMENT INDICATED IN NOTICE OF ALLOWANCE 37 C.F.R. § 1.705 filed December 9, 2008. Applicant requests that the determination of patent term adjustment be corrected from seven hundred fifty-eight (758) days to nine hundred thirty-seven (937) days.[1] 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

[1] It is noted that applicant's transmittal errs in stating that "an IDS was filed on May 7, 2008, after a response on February 20, 2008, resulting in 77 days attributed to applicants delays." No such papers are of record in this application.

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 Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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SHELLEY M BECKSTRAND
PATENT ATTORNEY
61 GLENMONT ROAD
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FEB 24 2009

OFFICE OF PETITIONS

In re Application of Joseph F. Garvey et al Application No. 11/021,139 Filed: December 23, 2004 Attorney Docket No. END920040002US1	: : : : : :	DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 20, 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 January 20, 2009, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Data Management to be processed into a patent.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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CHATTANOOGA TN 37402

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OFFICE OF PETITIONS

In re Application of Susumu Shimotono et al Application No. 11/021,146 Filed: December 23, 2004 Attorney Docket No. IBMS.089PA (0583)	DECISION GRANTING PETITION UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed May 10, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of formal drawings (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance and the Notice of Allowability of December 14, 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 Publishing Division and for the review of the drawings filed May 10, 2006.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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KIMBERLY-CLARK WORLDWIDE, INC.
Tara Pohlkotte
2300 Winchester Rd.
NEENAH, WI 54956

Mail Date: 04/21/2010

Applicant	: Mark Alan Burazin	: DECISION ON REQUEST FOR
Patent Number	: 7624765	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/021,149	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1056** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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P.O. BOX 6006
SAN RAMON CA 94583-0806

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OFFICE OF PETITIONS

In re Application of
Juan A. BUITRAGO et al.
Application No. 11/021,166
Filed: December 21, 2004
Attorney Docket No. **T-6392**

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 31, 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, February 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 May 15, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1540, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of February 14, 2007 is accepted as having been unintentionally delayed.

If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 1714 for appropriate action by the Examiner in the normal course of business on the reply received

David Bucci
Petition Examner
Office of Petitions

cc: **JOSETTA I. JONES**
6001 BOLLINGER CANYON ROAD
SAN RAMON, CA 94583

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INTERNATIONAL BUSINESS MACHINES CORP
IP LAW
555 BAILEY AVENUE , J46/G4
SAN JOSE, CA 95141

Mail Date: 04/20/2010

Applicant	: Dung Kim Nguyen	: DECISION ON REQUEST FOR
Patent Number	: 7620641	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/021,195	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **508** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

In re Application of	:	
Peyman	:	
Serial No.: 11/021,198	:	PETITION TO MAKE SPECIAL
Filed: 22 December 2004	:	
Attorney Docket No. PMAN-36	:	

This is in response to applicant's petition filed on June 2, 2005 to make the above-identified application special under the provisions 37 CFR 1,102(c), based on the age of applicant. No fee is required for this petition.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, IV. Therefore the petition is **GRANTED**.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Should there by any questions with regard to this letter please contact William Dixon, Jr. by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 572-272-0519 or by facsimile transmission to the general Office facsimile number.

William Dixon, Jr.
Special Program Examiner
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/021,213	12/23/2004	Srinivasan Jagannathan	200208403-1	8409

7590 04/25/2008
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
RUHL, DENNIS WILLIAM

ART UNIT	PAPER NUMBER
3689	

NOTIFICATION DATE	DELIVERY MODE
04/25/2008	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.

Tomi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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OFFICE OF PETITIONS

Gable & Gotwals
100 West Fifth Street, 10th Floor
Tulsa, OK 74103

In re Application of	:	
David B. Storm	:	
Application No. 11/021,218	:	DECISION ON PETITION
Filed: December 23, 2004	:	TO WITHDRAW
Attorney Docket No. 006337.00006	:	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 April 10, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Paul H. Johnson and all attorneys/agents of record has been revoked by the applicant of the patent application on April 18, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

There are no outstanding office actions at this time.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272- 4618.

Frances Hicks
Petitions Examiner
Office of Petitions

cc: Knox Patents
P.O. Box 30034
Knoxville, TN 37930-0034

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THIRD FLOOR
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SAN JOSE CA 95113

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JUL 25 2007

OFFICE OF PETITIONS

In re Application of	:	
Robert Paul Masleid	:	
Application No. 11/021222	:	ON PETITION
Filed: 12/23/2004	:	
Atty Docket No. TRAN-P327	:	

This is a decision on the petition under 1.137(b),[1] filed on 29 May, 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

---

[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)).

decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned on 4 January, 2007, for failure to timely respond to the non-final Office action mailed on 3 October, 2006, which set a three (3) month shortened statutory period for reply. No extensions of time under 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 24 May, 2007.

The statement contained in the instant petition does not set forth that the entire delay from the due date of the required reply to the date of the filing of a grantable petition was unintentional as required by 37 CFR 1.137(b)(3). However, the statement contained in the instant petition is being so construed. Petitioner **must** notify the Office if this is not a correct interpretation.

The application is being referred to Technology Center Art Unit 2819 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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THIRD FLOOR
TWO NORTH MARKET STREET
SAN JOSE CA 95113

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OFFICE OF PETITIONS

In re Application of	:	
Robert Paul Maslied	:	
Application Number: 11/021222	:	DECISION ON PETITION
Filing Date: 12/23/2004	:	
Attorney Docket Number: TRAN-P327	:	

This is a decision on the renewed petition filed on 28 September, 2007, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 4 January, 2007, for failure to timely respond to the non-final Office action mailed on 3 October, 2006, which set a three (3) month shortened statutory period for reply. No extension of time under 37 CFR 1.136(a)

---

[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)).

were obtained. Notice of Abandonment was mailed on 24 May, 2004. The petition filed on 29 May, 2007, was dismissed on 25 July, 2007.

Petitioner submitted, on 29 May, 2007, an amendment as the required reply.

The application is being referred to Technology Center Art Unit 2819 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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IV (TRANSMETA)
C/O MURABITO, HAO & BARNES LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE, CA 95113

Mail Date: 04/21/2010

Applicant	: Robert Paul Masleid	: DECISION ON REQUEST FOR
Patent Number	: 7635992	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/021,222	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **376** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

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MAR 03 2009

OFFICE OF PETITIONS

In re Patent No. 7,372,671	:	
Hisayuki Yazawa	:	DECISION ON REQUEST
Issue Date: May 13, 2008	:	FOR
Application No. 11/021,233	:	RECONSIDERATION OF
Filed: December 21, 2004	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 13650-3	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT," filed July 18, 2008. Patentees assert that the patent term adjustment indicated on the patent should be corrected from five hundred twenty-five (525) days to six hundred sixty-nine (669) days

The request for reconsideration of the patent term adjustment under § 1.705(d) is **DISMISSED**.

Patentees are given **TWO (2) MONTHS** from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

On May 13, 2008, the above-identified application matured into U.S. Patent No. 7,372,671, with a revised Patent Term Adjustment of 525 days. The instant request for reconsideration filed July 18, 2008 was timely filed within 2 months of the date the patent issued. See § 1.705(d). Patentees assert that an additional period of adjustment of 144 days should have been entered for the Office taking in excess of three years to issue the patent.

With respect to §1.703(b), it is noted that the patent issued three years and 144 days after its filing date. However, the period for over 3 year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with

the actual dates in the periods for failure of the Office to take action within specified time frames. In other words, consideration of the overlap does not begin three years after the filing date of the application.

Any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap, with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. Further, in considering the overlap, the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). See 35 U.S.C. 154(b)(1)(B); 35 U.S.C. 154(b)(2)(A); and 37 CFR 1.703(f). Other than the delay in issuing the first Office action, there were no Office delays during the pendency of this application. It was properly concluded that the 525 days accorded pursuant to 1.702(a)(1) for Office delay during the pendency of the application overlapped with the 144 days pursuant to 1.703(b). Thus, no additional periods of adjustment was entered for Office delay in issuing the patent.

In view thereof, the patent term adjustment of 525 days indicated in the patent is correct.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

This patent is being referred to the Certificate of Corrections Branch for consideration of the request for Certificate of Correction (to correct errors in the claim) filed December 15, 2008. This decision does not address that request. Any inquiries regarding that request should be directed to the Certificates of Correction Branch.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090205

DATE : February 05, 2009

TO SPE OF : ART UNIT 2627

SUBJECT : Request for Certificate of Correction on Patent No.: 7,372,671

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:

/Michael RAZAVI/
Supervisory Patent Examiner, Art Unit 2672

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MYERS BIGEL SIBLEY & SAJOVEC, P.A
PO BOX 37428
RALEIGH NC 27627

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OCT 1 4 2008

OFFICE OF PETITIONS

In re Application of:
VASA, Yojak
Application No.: 11/021,236
Filed: December 23, 2004
Attorney Docket No.: 9314-97

DECISION APPROVING
WITHDRAWAL OF ATTORNEY

This is a decision on the Request to Withdraw as Attorney/Agent of Record under 37 CFR § 1.36, filed October 2, 2008.

The Request is **APPROVED**.

Debra K. Stephens requests that she alone be withdrawn as an attorney under 37 CFR § 1.36, pursuant to the reason set forth under 37 CFR § 10.40(b)(2), because of her current employment by the United States Patent and Trademark Office. Since the Request satisfies all of the requirements for withdrawal, it is appropriate to approve the Request and withdraw only Ms. Stephens as an attorney of record.

All future communications from the Office will continue to be directed to the above-identified correspondence address.

A courtesy copy of this decision is being mailed to Ms. Stephens at the address identified in the Request.

Telephone inquiries relating to this decision should be directed Brian W. Brown at (571) 272-5338.

Brian W. Brown
Petitions Examiner
Office of Petitions

Cc: Debra K. Stephens
301 Edgemore Avenue
Cary, NC 27519

UNITED STATES PATENT AND TRADEMARK OFFICE

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CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

Mail Date: 04/21/2010

Applicant	: Ricardo E. Gonzalez	: DECISION ON REQUEST FOR
Patent Number	: 7613900	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/021,247	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **58** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

Mail Date: 05/18/2010

Applicant : Ricardo E. Gonzalez
Patent Number : 7613900
Issue Date : 11/03/2009
Application No : 11/021,247
Filed : 12/21/2004

: 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 **155** 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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WILLIAM S. RAMSEY
5253 EVEN STAR PLACE
COLUMBIA, MD 21044

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DEC 2 1 2006

OFFICE OF PETITIONS

In re Application of	:	
CALTON, et al.	:	
Application No. 11/021,275	:	DECISION ON PETITION
Filed: December 23, 2004	:	TO WITHDRAW
Attorney Docket No. AURX12	:	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 22, 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, "assignee wishes to prosecute case on pro se basis", does not meet any of the conditions set forth in 37 CFR 10.40.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of **a chain of title from the original owner to the assignee** (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being

submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, **reel and frame number**).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **DR. GARY J. CALTON, PRESIDENT**
5331 LANDING ROAD
ELKRIDGE, MD 21075

UNITED STATES PATENT AND TRADEMARK OFFICE

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WILLIAM S. RAMSEY
5253 EVEN STAR PLACE
COLUMBIA, MD 21044

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OFFICE OF PETITIONS

In re Application of	:	
CALTON, et al.	:	DECISION ON PETITION
Application No. 11/021,275	:	TO WITHDRAW
Filed: December 23, 2004	:	FROM RECORD
Attorney Docket No. AURX12	:	

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 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 William S. Ramsey, the sole attorney of record. William S. Ramsey has withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Gary J. Calton at the address indicated below.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: DR. GARY J. CALTON
5331 LANDING ROAD
ELKRIDGE, MD 21075

UNITED STATES PATENT AND TRADEMARK OFFICE

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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Mail Date: 04/21/2010

Applicant	: Jeyhan Karaoguz	: DECISION ON REQUEST FOR
Patent Number	: 7606570	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/021,277	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1266** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

Mail Date: 05/18/2010

Applicant : Jeyhan Karaoguz
Patent Number : 7606570
Issue Date : 10/20/2009
Application No : 11/021,277
Filed : 12/23/2004

: 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 **1298** 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/021,279	12/23/2004	Srinivasan Jagannathan	200208405-1	6513

7590 04/25/2008
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
GOTTSCHALK, MARTIN A

ART UNIT	PAPER NUMBER
3696	

NOTIFICATION DATE	DELIVERY MODE
04/25/2008	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.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 04/24/2008 NFARMER
12/30/2004 SMINASS1 00000045 082025 11021279
02 FC:1111 500.00 CR
04 FC:1202 800.00 CR
05 FC:1201 200.00 CR

FORM PET651G (Rev. 08/07)

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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

Mail Date: 04/28/2010

Applicant	: Arvind Vijay Keerthi	: DECISION ON REQUEST FOR
Patent Number	: 7609786	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/021,292	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1245** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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KIMBERLY-CLARK WORLDWIDE, INC.
Tara Pohlkotte
2300 Winchester Rd.
NEENAH, WI 54956

Mail Date: 04/21/2010

Applicant	: Duane Lyle McDonald	: DECISION ON REQUEST FOR
Patent Number	: 7597213	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/021,317	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **948** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.: 08-07

Paper No:__

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AUG 27 2007

OFFICE OF PETITIONS

WOOD, HERRON
& EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

In re Application of	:	
Hooopes	:	DECISION
Application No. 11/021,342	:	
Filing Date: 22 December, 2004	:	
Attorney Docket No.: GYTR-49	:	

This is a decision on the petition filed on 9 November, 2006, and properly considered as a request under 37 C.F.R. §1.181 for the withdrawal of the holding of abandonment.

The Office regrets the delay in addressing this matter, however, the instant petition was presented to the attorneys in the Office of Petitions only at this writing.[1]

For the reasons set forth below, the petitions as considered under 37 C.F.R. §1.181 are **GRANTED**.

BACKGROUND

The record indicates that:

- Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and

[1] **NOTE: Monitoring of the status of applications on PAIR can inform one's management of application responses and provide an indication when mailings of Office actions should be expected. Status Inquiries filed at three (3) or four (4) month intervals provide a demonstration of diligence and attention in supporting a petition seeking relief under 37 C.F.R. §1.181.**

Fees Due (copy enclosed) mailed on 26 May, 2006, with reply due under a non-extendable deadline on or before Monday 28 August, 2006;

- the application went abandoned by operation of law after midnight 28 August, 2006;
- the Office mailed the Notice of Abandonment on 2 November, 2006;
- on 9 November, 2006, Petitioner filed the instant petition, with payment of the Fees Due and a copy of his docket sheet and the averment that the Fees Due deadline would be reflected on that document if the Notice thereof had been received, and while Petitioner recites that an inspection of the file did not lead to a discovery of the document or otherwise indicate its receipt, Petitioner does not expressly state that he made the inspection–and the Office is reading the statement to say that Petitioner made the inspection and, should that not be accurate, Petitioner is reminded of his duty of candor to the Office and his responsibility to correct any mis-appreciation of the facts.

While Petitioner requests re-mailing of the Notice of Allowance and Fees Due, it is noted that Petitioner in fact transmitted the fees with the instant petition and that a copy of the papers in question are being included herewith. Petitioner can obtain any other required information directly from Private PAIR.

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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[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Specifically, the regulations at 37 C.F.R. §10.18 provide:

§ 10.18 Signature and certificate for correspondence filed in the Patent and Trademark Office.
(a) For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature by such practitioner complying with the provisions of §1.4(d), §1.4(e), or § 2.193(c)(1) of this chapter.
(b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—
(1) All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[3]

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority. The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.[4]

Delays in responding properly raise the question whether delays are unavoidable.[5] Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing

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paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and

(2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that —

(i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office;

(ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

(c) Violations of paragraph (b)(1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions as deemed appropriate by the Commissioner, or the Commissioner's designee, which may include, but are not limited to, any combination of —

(1) Holding certain facts to have been established;

(2) Returning papers;

(3) Precluding a party from filing a paper, or presenting or contesting an issue;

(4) Imposing a monetary sanction;

(5) Requiring a terminal disclaimer for the period of the delay; or

(6) Terminating the proceedings in the Patent and Trademark Office.

(d) Any practitioner violating the provisions of this section may also be subject to disciplinary action. See § 10.23(c)(15).

[Added 50 FR 5175, Feb. 6, 1985, effective Mar. 8, 1985; para. (a) revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; paras. (a) & (b) revised, paras. (c) & (d) added, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

[3] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[4] Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.

[5] See: *Changes to Patent Practice and Procedure*; *Final Rule Notice*, 62 *Fed. Reg.* at 53158-59 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* at 86-87 (October 21, 1997).

that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).[6] And the Petitioner must be diligent in attending to the matter.[7] Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[8]))

Allegations as to the Request to
Withdraw the Holding of Abandonment

The courts have determined the construct for properly supporting a petition seeking withdrawal of a holding of abandonment.[9]

The commentary at MPEP §711.03(c) provides:

* * *

A. Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133). To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the

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[6] See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

[7] See: Diligence in Filing Petitions to Revive and Petitions to Withdraw the Holding of Abandonment, 1124 Off. Gaz. Pat. Office 33 (March 19, 1991). It was and is Petitioner's burden to exercise diligence in seeking either to have the holding of abandonment withdrawn or the application revived. See 1124 Off. Gaz. Pat. Office supra.

[8] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

[9] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

> practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action.
>
> * **
>
> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).
>
> Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988). (Emphasis supplied.)
>
> * * *

And the regulation requires that relief be sought within two (2) months of the act complained of.

Petitioner appears to have satisfied the showing requirement described above and satisfied his burden herein.

CONCLUSION

The instant petition under 37 C.F.R. §1.181 hereby is **granted**; and the 2 November, 2006, Notice of Abandonment is **vacated**.

The instant application is released to Publications Branch to be processed into a patent in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[10]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Encl: Notice of Allowance/Allowability and Fees Due

[10] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

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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NOTICE OF ALLOWANCE AND FEE(S) DUE

26875 7590 05/26/2006
WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER	
MULCAHY, PETER D	
ART UNIT	PAPER NUMBER
1713	

DATE MAILED: 05/26/2006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/021,342	12/22/2004	Thomas Holden Hoopes	GYTR-49	5755

TITLE OF INVENTION: RUBBER COMPOUND CONTAINING AN ORGANOTHIOSULFATE AND A BISMALEIMIDE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1400	$300	$1700	08/28/2006

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 01/06) Approved for use through 04/30/2007.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

26875 7590 05/26/2006

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/021,342	12/22/2004	Thomas Holden Hoopes	GYTR-49	5755

TITLE OF INVENTION: RUBBER COMPOUND CONTAINING AN ORGANOTHIOSULFATE AND A BISMALEIMIDE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1400	$300	$1700	08/28/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
MULCAHY, PETER D	1713	524-105000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:
- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b Payment of Fee(s):
- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.
NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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.
11/021,342	12/22/2004	Thomas Holden Hoopes	GYTR-49	5755

26875 7590 05/26/2006

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER
MULCAHY, PETER D

ART UNIT	PAPER NUMBER
1713	

DATE MAILED: 05/26/2006

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

PTOL-85 (Rev. 01/06) Approved for use through 04/30/2007.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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NOTICE OF ALLOWANCE AND FEE(S) DUE

26875 7590 05/26/2006

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER	
MULCAHY, PETER D	
ART UNIT	PAPER NUMBER
1713	

DATE MAILED: 05/26/2006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/021,342	12/22/2004	Thomas Holden Hoopes	GYTR-49	5755

TITLE OF INVENTION: RUBBER COMPOUND CONTAINING AN ORGANOTHIOSULFATE AND A BISMALEIMIDE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1400	$300	$1700	08/28/2006

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

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If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 01/06) Approved for use through 04/30/2007.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

26875 7590 05/26/2006

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/021,342	12/22/2004	Thomas Holden Hoopes	GYTR-49	5755

TITLE OF INVENTION: RUBBER COMPOUND CONTAINING AN ORGANOTHIOSULFATE AND A BISMALEIMIDE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1400	$300	$1700	08/28/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
MULCAHY, PETER D	1713	524-105000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

☐ Issue Fee

☐ Publication Fee (No small entity discount permitted)

☐ Advance Order - # of Copies _____

4b Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.
NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/021,342	12/22/2004	Thomas Holden Hoopes	GYTR-49	5755

26875 7590 05/26/2006

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER
MULCAHY, PETER D

ART UNIT	PAPER NUMBER
1713	

DATE MAILED: 05/26/2006

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

PTOL-85 (Rev. 01/06) Approved for use through 04/30/2007.

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 13 2009

OFFICE OF PETITIONS

AMGEN INC.
MAIL STOP 28-2-C
ONE AMGEN CENTER DRIVE
THOUSAND OAKS, CA 91320-1799

In re Application of	:	
Jonathan Kay et al	:	
Application No. 11/021,348	:	ON PETITION
Filed: December 22, 2004	:	
Attorney Docket No. A-730A	:	

This is a decision on the petition under 37 CFR 1.137(b), filed December 7, 2007 to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed June 9, 2006 which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 10, 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 1646 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

GAZDZINSKI & ASSOCIATES, P.C.
16644 WEST BERNARDO DRIVE
SUITE 201
SAN DIEGO, CA 92127

Mail Date: 04/21/2010

Applicant	: Michael D. Johas Teener	: DECISION ON REQUEST FOR
Patent Number	: 7650452	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/021,391	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/21/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1201** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/021,393	12/23/2004	Dov Furman	U 015563-5	3784

140 7590 12/14/2006

LADAS & PARRY
26 WEST 61ST STREET
NEW YORK, NY 10023

EXAMINER
ROSENBERGER, RICHARD A

ART UNIT	PAPER NUMBER
2877	

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No. 121306

LADAS & PARRY
26 WEST 61ST STREET
NEW YORK NY 10023

In re Application of:	:	
FURMAN ET AL.	:	PETITION FOR CORRECTION OF
Serial No.: 10/808,728	:	INVENTORSHIP
Filed: December 23, 2004	:	UNDER 37 CFR § 1.48(b)
Attorney Docket No.: U 015563-5	:	

This is a decision on the petition filed November 1, 2004 to correct inventorship under 37 CFR 1.48 (b).

The petition is GRANTED.

In view of the papers filed November 1, 2004 it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48 (b). The inventorship of this application has been changed by deleting the inventors:

Dov Furman
Mark Wagner
Ram Segal
Shai Silberstein

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

Gregory J. Toatley, Jr.
Supervisory Patent Examiner,
Art Unit 2877

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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
11/021,404	12/23/2004	3653	1130	21028	5	18	3

CONFIRMATION NO. 6172

UPDATED FILING RECEIPT

OC000000015727002

23556
KIMBERLY-CLARK WORLDWIDE, INC.
401 NORTH LAKE STREET
NEENAH, WI 54956

Date Mailed: 04/13/2005

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)

Kiran Kumar Karrem Reddy, Roswell, GA;
Ning Yang, Alpharetta, GA;
John Richard Skerrett, Alpharetta, GA;
Guy William Provenzano, Alpharetta, GA;

Power of Attorney: The patent practitioners associated with Customer Number **23556**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 02/14/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/021,404

Projected Publication Date: 06/29/2006

Non-Publication Request: No

Early Publication Request: No

BEST AVAILABLE COPY

Title

Easy open folded article

Preliminary Class

221

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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KAMMER BROWNING PLLC
7700 BROADWAY, SUITE 202
SAN ANTONIO TX 78209

MAILED

MAR 25 2010

OFFICE OF PETITIONS

In re Application of	:	
Staffel et al.	:	
Application No. 11/021,405	:	DECISION ON PETITION
Filed: December 22, 2004	:	
Attorney Docket No. 1232.08	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 20, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner within the meaning of 37 CFR 1.113 to the final Office action mailed April 13, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 14, 2009. A Notice of Abandonment was mailed October 26, 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 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.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 1627 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

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.
11/021,414	12/23/2004	Jorn Altmann	200205880-1	6179

7590 04/25/2008
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
RUHL, DENNIS WILLIAM

ART UNIT	PAPER NUMBER
3689	

NOTIFICATION DATE	DELIVERY MODE
04/25/2008	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

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Paper No. 042205

JUL 13 2005

COOLEY GODWARD LLP
ATTN: PATENT GROUP
3000 EL CAMINO REAL
PALO ALTO, CA 94306-2155

In re Application of:	:	
PETRO *et al.*	:	DECISION ON PETITION
Serial No.: 11/021,417	:	TO MAKE SPECIAL
Filed: December 23, 2004	:	
Attorney Docket No: **QUIZ-001/01US**	:	

This is a decision on the petition under 37 C.F.R. § 1.102(c), filed December 23, 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 copy of the birth certificate for Ken George Wasson as evidence that applicant is sixty-five (65) years of age or more.

Accordingly, the petition is GRANTED.

If the examiner can make this application special without prejudice to any possible interfering applications, and s/he should make a rigid search for such, s/he is authorized to do so for the next action. Should the application be rejected, the application will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the application in condition for allowance, even if it is necessary to have an interview with the examiner to accomplish this purpose.

If the examiner finds any interfering application for the same subject matter, s/he should consider such application simultaneously with this application and should state in the official letter of such application that s/he is taking it out of its turn because of possible interference.

Should an appeal be taken in this application or should this application become involved in an interference, consideration of the appeal and the interference will be expedited by all Patent and Trademark Office officials concerned, contingent likewise upon diligent prosecution by the applicant.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

Inquiries regarding this decision should be directed to Jose Dees at (571) 272-1569.

Jose Dees, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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AUG 24 2005

In re Application of	:	
Denise A. Bein et al.	:	
Serial No. 11/021,421	:	DECISION ON PETITION
Filed: December 23, 2004	:	TO MAKE SPECIAL
For: ENCLOSURE FOR RESEALING A PACKAGE AND METHOD THEREFOR	:	

Applicant's petition, filed December 23, 2004, seeks to have this application made special because of the applicant's health, MPEP 708.02(III). The petition is GRANTED.

The petition has been reviewed and is found to be in compliance with the requirements for special status as set forth in Section 708.02(III) of the Manual of Patent Examining Procedures (MPEP).

PETITION GRANTED.

Richard A. Bertsch, Director
Technology Center 3700

Robert D. Atkins
Quarles & Brady Streich Lang, LLP
Two North Central Ave., 1 Renaissance Sq.
Phoenix, AZ 85004

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ANTHONY LUKE SIMON
GENERAL MOTORS CORPORATION, LEGAL STAFF
300 RENAISSANCE CENTER, MAIL CODE 482-C23-B21
P.O. BOX 300
DETROIT MI 48265-3000

COPY MAILED

DEC 1 5 2008

OFFICE OF PETITIONS

In re Application of	:	
Patenaude	:	
Application No.: 11/021,446	:	DECISION
Filing Date: 22 December, 2004	:	
Attorney Docket No. GP-305804 (2760/226)	:	

This is a decision on the petition filed on 26 August, 2008, and properly considered as a petition requesting withdrawal of the holding of abandonment under 37 C.F.R. §1.181.

The petition to withdraw the holding of abandonment under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioners 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 that:

Following a final Office action mailed on 17 May, 2007, Petitioner filed an after-final Amendment, which the Examiner refused to enter and Petitioner—as one registered to practice before the Office—knew was not as of right and not a proper reply[1] if it did not *prima facie* place the application in condition for allowance, and on 1 August, 2007, the Examiner mailed an Advisory Action.

[1] A proper reply is an amendment *prima facie* placing the application in condition for allowance, a Notice of Appeal, or an RCE (with fee and submission under 37 C.F.R. §1.114). (See: MPEP §711.03(c).)

Thereafter, on 19 November, 2007, Petitioner filed a Notice of Appeal and fee, and sought a pre-brief review, the decision on which was mailed on 25 June, 2008 (the Decision) with reply due (Appeal Brief and fee) absent extension of time on or before 25 July, 2008.

Petitioner failed to reply timely and properly to that 25 June, 2008, Decision.

The application went abandoned after midnight 25 July, 2008.

The Office mailed a Notice of Abandonment on 31 July, 2008.

On 26 August, 2008, Petitioner filed a petition seeking withdrawal of the holding of abandonment under the provisions of 37 C.F.R. §1.181, and averred timely reply on filed on 31 July, 2008, over a certificate of mailing dated 25 July, 2008, and supported that averment with, *inter alia*, a copy of the reply in the form of the Appeal Brief and fee authorization—moreover, Office records reflect that filing and fees paid.

Thus, Petitioner appears to have satisfied the requirements set forth at MPEP §711.03(c)(I).

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. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

STATUTES, REGULATIONS

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]

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[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). See specifically, the regulations at 37 C.F.R. §10.18.

[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

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.

Allegations as to the Request to
Withdraw the Holding of Abandonment

The record evidences a satisfactory showing of the requirements under the Rule.

CONCLUSION

The petition as considered under 37 C.F.R. §1.181 is **granted**, and the 31 July, 2008, Notice of Abandonment is **vacated**.

The instant application is released to Technology Center/AU (TC/AU) 3661 to await the Examiner's Answer in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[5]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

---

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] 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

0203666—077610L15 BNY

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 8

TOWNSEND & TOWNSEND & CREW
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

COPY MAILED

MAY 1 3 2002

OFFICE OF PETITIONS

In re Application of
Richard S. Cerami et al
Application No. 09/921,283
Filed: August 1, 2001
For: PROACTIVE REPAIR PROCESS IN THE XDSL NETWORK (WITH A VDSL FOCUS)

DECISION GRANTING STATUS UNDER 37 CFR 1.47(A)

This is in response to the "Petition Under 37 CFR 1.47(a)," filed February 1, 2002.

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.

Telephone inquiries regarding this decision should be directed to Petitions Examiner Wan Laymon at (703) 306-5685.

This application is being forwarded to Technology Center AU 2184 for examination in due course.

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

TIMOTHY FIGUEROA
15231 EAST HIALEAH PLACE
AURORA, CO 80015

COPY MAILED

MAY 1 3 2002

OFFICE OF PETITIONS

In re Application of
Cerami; Figueroa; and Storaasli
Application No. 09/921,283
Filed: August 1, 2001
For: PROACTIVE REPAIR PROCESS IN THE XDSL NETWORK (WITH A VDSL FOCUS)

Dear Mr. Figueroa:

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 in 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 Wan Laymon at (703) 306-5685. 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).

Frances Hicks

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:
TOWNSEND & TOWNSEND & CREW
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
www.uspto.gov

STONEMAN VOLK PATENT GROUP
3770 NORTH 7TH STREET, SUITE 100
PHOENIX, AZ 85014

COPY MAILED

DEC 15 2008

In re Application of	:	
George S. CARAMANNA II, et al	:	
Application No. 11/021,461	:	DECISION ON PETITION
Filed: December 23, 2004	:	TO WITHDRAW
Attorney Docket No. P03945	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 20, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Michael D. Volk, Jr. on behalf of the attorneys of record associated with Customer No. 28548.

The attorneys of record associated with Customer No. 28548 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 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 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: GEORGE S. CARAMANNA II
8096 N. 85TH WAY, #105
SCOTTSDALE, AZ 85258

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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SABIC – 08CV – CPP
SABIC Innovative Plastics – IP Legal
One Plastics Avenue
Pittsfield, MA 01201-3697

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NOV 0 5 2008
OFFICE OF PETITIONS

In re Application of	:	
Parminder Agarwal et al.	:	
Application No. 11/021,463	:	ON PETITION
Filed: December 22, 2004	:	
Attorney Docket No. 146854-2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 30, 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 December 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 and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time were obtained. Accordingly, the date of abandonment of this application is March 15, 2008. A Notice of Abandonment was mailed on July 29, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Examination), with the required fee of $810, (2) the petition fee of $1540, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1050 extension of time fee submitted with the petition on September 30, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 1796 for processing of the RCE and any action that is required by the Examiner in the normal course of business.

Carl Friedman
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090506

DATE : May 06, 2009

TO SPE OF : ART UNIT 1621

SUBJECT : Request for Certificate of Correction on Patent No.: 7253319

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☐ **Approved** All changes apply.

☒ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

The change at column 35 line 30 and column 36 line 54 do not apply because they alter the scope of an allowed claim. It is also noted that the structural formula in column 38 of the issued patent already includes R*8. The modification at column 38, line 17 is approved.

/DANIEL M SULLIVAN/
Supervisory Patent Examiner.Art Unit 1621

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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DICKE, BILLIG & CZAJA, P.L.L.C.
FIFTH STREET TOWERS
100 SOUTH FIFTH STREET, SUITE 2250
MINNEAPOLIS, MN 55402

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JUN 1 0 2005

OFFICE OF PETITIONS

In re Application of
Nelson Diaz
Application No. 11/021,475
Filed: December 22, 2004
For: PLANAR DECOUPLING IN OPTICAL SUBASSEMBLY

DECISION REFUSING STATUS UNDER 37 CFR 1.47(b)

This is in response to the petition under 37 CFR 1.47(b), filed May 23, 2005 (Certificate of Mailing date: May 18, 2005).

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on December 22, 2004 without an executed oath or declaration and naming Nelson Diaz as the sole inventor.

Accordingly, on February 18, 2005, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration and a filing fee, and a surcharge for their late filing.

In response, on May 23, 2005 (Certificate of Mailing date: May 18, 2005), the instant petition and a one (1) month extension of time.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration;

(2) an acceptable oath or declaration;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest; and

(6) proof of irreparable damage.

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 does not set forth the citizenship of the non-signing inventor. An oath or declaration in compliance with 37 CFR 1.63 and 1.64 is REQUIRED. See MPEP 409.03(a).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
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 should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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FIFTH STREET TOWERS
100 SOUTH FIFTH STREET, SUITE 2250
MINNEAPOLIS, MN 55402

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AUG 2 4 2005

OFFICE OF PETITIONS

In re Application of :
Nelson Diaz :
Application No. 11/021,475 :
Filed: December 22, 2004 :
For: PLANAR DECOUPLING IN OPTICAL :
SUBASSEMBLY :

DECISION GRANTING PETITION
UNDER 37 CFR 1.47(b)

This is in response to the "Request For Reconsideration of Petition Under 37 CFR 1.47(b)," filed August 11, 2005 (Certificate of Mailing Date: August 9, 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 after having been presented with the application papers. Specifically, the statement of facts of Mr. Paul P. Kempf establishes that the inventor was mailed the application papers, including the specification, claims and drawings, but refused the request that he sign the declaration. In addition, petitioner has shown that Infineon Technologies North America Corp. (Infineon) has a proprietary interest in the above-identified application with the copy of the "Employee Patent and Secrecy Agreement" showing that the inventor had an obligation to assign any patent rights to Infineon. The petition fee has been paid. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64 and demonstrated that petitioner has shown that such action is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(b), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this communication should be directed to the undersigned at (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
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Alexandria, VA 22313-1450
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NELSON DIAZ
11353 GROVE STREET
WESTMINSTER, CO 80031

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AUG 2 4 2005

OFFICE OF PETITIONS

In re Application of
Nelson Diaz
Application No. 11/021,475
Filed: December 22, 2004
For: PLANAR DECOUPLING IN OPTICAL SUBASSEMBLY

Dear NELSON DIAZ:

You are named as the sole inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 118 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole 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

DICKE, BILLIG & CZAJA, P.L.L.C.
FIFTH STREET TOWERS
100 SOUTH FIFTH STREET, SUITE 2250
MINNEAPOLIS, MN 55402

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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HEWLETT PACKARD COMPANY
P O BOX 272400 3404 E HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

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JUN 26 2007

OFFICE OF PETITIONS

In re Application of	:	
Belady, et al.	:	
Application No. 11/021,504	:	ON PETITION
Filed: December 21, 2004	:	
Attorney Docket No. 200313368-1	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed June 12, 2007.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed February 15, 2007. This Notice set a statutory period for reply of three (3) months. No issue fee having been received, the application became abandoned on May 16, 2007. The mailing of this decision precedes the mailing of a Notice of Abandonment.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of the issue fee.

The matter is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

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AUG 1 0 2005

OFFICE OF PETITIONS

In re Application of	:
Keith, et al.	: DECISION REFUSING STATUS
Application No. 11/021,519	: UNDER 37 CFR 1.47(a)
Filed: December 23, 2004	:
Atty. Dkt. No.: 4828-68060-02	:
For: STRUCTURE OF LIQUID	:
CRYSTAL CELLS AND PROJECTION	:
LENSES AND IMAGE PROJECTION	:
SYSTEM USING THE SAME	

This decision is in response to the petition under 37 CFR 1.47(a), filed June 9, 2005.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the legal representative of the deceased inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed December 23, 2004 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed February 7, 2005 requiring, *inter alia*, an executed oath or 1declaration and a surcharge.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition fails to satisfy requirement (2) set forth above. The declaration submitted herewith is unacceptable as it fails to set forth the residence and mailing address of Christ Brandt as required under 37 CFR 1.63(c)(1) and there is no indication in the application file that this information has been submitted by way of Application Data Sheet. Any renewed petition must be accompanied by a proper oath or declaration, or, if deemed appropriate, an Application Data Sheet in compliance with 37 CFR 1.76.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300

By hand: U.S. Patent and Trademark Office
Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

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SEP 2 3 2005

OFFICE OF PETITIONS

In re Application of Keith, et al. Application No. 11/021,519 Filed: December 23, 2004 Atty. Dkt. No.: 4828-68060-02 For: STRUCTURE OF LIQUID CRYSTAL CELLS AND PROJECTION LENSES AND IMAGE PROJECTION SYSTEM USING THE SAME	DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)

This decision is in response to the renewed petition under 37 CFR 1.47(a), filed September 13, 2005.

The petition is **GRANTED**.

Petitioner has shown that inventor David L. Keith either cannot be reached or located or has refused to execute the declaration for the above-identified application after having been presented with the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

David L. Keith
8618 SE Petticoat Hill
Vancouver, Washington 98661

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SEP 23 2005

OFFICE OF PETITIONS

In re Application of	:	
Keith, et al.	:	
Application No. 11/021,519	:	LETTER
Filed: December 23, 2004	:	
Atty. Dkt. No.: 4828-68060-02	:	
For: STRUCTURE OF LIQUID	:	
CRYSTAL CELLS AND PROJECTION	:	
LENSES AND IMAGE PROJECTION	:	
SYSTEM USING THE SAME	:	

Dear Sir:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3205. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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KENNETH W. ILES
9903 WEST 129TH STREET
OVERLAND PARK, KS 66213-3222

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APR 08 2008

OFFICE OF PETITIONS

In re Application of

Drake Lansdon KOCH, et al
Application No. 11/021,524
Filed: December 22, 2004
Attorney Docket No. 200402

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed January 7, 2008.

The request is **APPROVED**.

A review of the file record indicates that Kenneth W. Iles: (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, Kenneth W. Iles has/have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

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) the intervening assignee of the entire interest. All future communications from the Office will be directed to the first named signing inventor or the assignee of the entire interest under 37 C.F.R. §3.71 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 inquires concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: DRAKE LANSDON KOCH
3309 GENESSEE STREET
KANSAS CITY, MO 64111

MICHAEL J. ARMENTROUT
ZUTRON MEDICAL, L.L.C.
1911 BROADWAY STREET
KANSAS CITY, M0 64108-2008

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
11/021,524	12/22/2004	Drake Lansdon Koch	200402

CONFIRMATION NO. 3537

POWER OF ATTORNEY NOTICE

Kenneth W. Iles
9903 West 129th Street
Overland Park, KS 66213-3222

OC000000029291567

Date Mailed: 04/08/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/07/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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MAY 0 2 2007

OFFICE OF PETITIONS

In re Application of
LENTSCH, Steven
Application No. 11/021,529
Filed: December 22, 2004
Attorney Docket No. **163.1141USC7**

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.

T. 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

IFW

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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MAY 02 2007

OFFICE OF PETITIONS

In re Application of	:	
LENTSCH, Steven	:	
Application No. 11/021,529	:	DECISION ON PETITION
Filed: December 22, 2004	:	TO WITHDRAW
Attorney Docket No. **163.1141USC7**	:	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.

T. 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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FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

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JAN 29 2010

In re Application of Khouri et al. :
Application No. 11/021,538 :
Filing Date: December 23, 2004 :
Attorney Docket No. 061300-0689 :

On Application For
Patent Term Adjustment

This is in response to the "Request for Reconsideration of Patent Term Adjustment Under 37 C.F.R. §1.705" filed November 13, 2009. Applicants submit the correct patent term adjustment to be indicated on the patent is one thousand four hundred eighty-nine (1,489) days, not eight hundred eighty-three (883) 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 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, an applicant 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/021,539	12/23/2004	John Vincent Bellantoni	33889/US/5/MSS/JJZ	3496

32940 7590 05/17/2007
DORSEY & WHITNEY LLP
555 CALIFORNIA STREET, SUITE 1000
SUITE 1000
SAN FRANCISCO, CA 94104

EXAMINER
JACKSON, BLANE J

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
05/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents.

DECISION ON PETITION UNDER 37 C.F.R. §1.97 FOR CONSIDERATION OF INFORMATION DISCLOSURE STATEMENT

The petition filed 16 Oct 2006 under 37 C.F.R. §1.97(d) for consideration of an information disclosure statement filed after [✓] Allowance [ ] Final has been:

[✓] GRANTED.

[ ] DENIED.

[ ] It was filed after payment of the issue fee, see 37 C.F.R. §1.97(d)(2).

The petition lacks:
[ ] The required fee under 37 C.F.R. §§1.97(d) and 1.17(i)(1).

[ ] A proper certification as specified in 37 C.F.R. §§1.97(d) and 1.97(e).

The information disclosure statement has been placed of record in the file but will not be considered by the examiner.

EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Paper No.

BANNER & WITCOFF, LTD.
28 STATE STREET
28th FLOOR
BOSTON, MA 02109-9601

COPY MAILED

JAN 3 1 2006

OFFICE OF PETITIONS

In re Application of	:	
Erwin de Winter,	:	
Cornelis Tulleken	:	DECISION ACCORDING STATUS
Hendricus Mansvelt Beck and	:	UNDER 37 CFR 1.47(a)
Jochem-Paul Bremmer	:	
Application No. 11/021,553	:	
Filed: December 23, 2004	:	
Atty Docket No. 05032-00061	:	

This is a decision on the PETITION TO BEGIN PROSECUTION UNDER 37 CFR 1.47(a) WITHOUT THE SIGNATURE OF INVENTOR ERWIN DE WINTER filed September 12, 2005.

The petition is **GRANTED**.

The above-identified application was filed on December 23, 2004, with an application data sheet but without an executed oath or declaration. Accordingly, on February 10, 2005, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring inter alia an executed oath or declaration and a surcharge for its late filing. This Notice set a period for reply of two months from the mailing date of the notice, with extensions of time obtainable under § 1.136(a).

On Monday, September 12, 2005, applicants responded with a declaration executed by joint inventors Tulleken, Beck and Bremmer on behalf of themselves and on behalf of non-signing inventor Erwin de Winter; the late surcharge under § 1.16(e); the instant petition (and a petition fee of $130)(and the missing filing fees). Pursuant to the general authorization submitted with the petition, the required petition fee of $200 (not $130) has been charged to petitioner's Deposit Account.

This reply was made timely by an accompanying petition and fee for an extension of time for response within the fifth month.

Rule 47 applicants maintain that status under 37 CFR 1.47 is proper because joint inventor Erwin de Winter refuses to join in the application for patent. 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.

By statement of facts of Oscar Schoots, petitioner has shown that inventor de Winter has refused to join in the application after having been presented with the application papers. Mr. Schoots declares that all of the application papers were presented to inventor de Winter and thereafter, inventor de Winter made an oral statement to Mr. Schoots that he "would not execute the inventor declaration."

The declaration filed September 12, 2005, and the petition have been reviewed and found in compliance with 37 CFR 1.47(a).

This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing 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 regarding this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MR. ERWIN DE WINTER
Cliviastraat 21
Wilrijk
BELGIUM
2610

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JAN 3 1 2006

OFFICE OF PETITIONS

In re Application of	:	
Erwin de Winter,	:	
Cornelis Tulleken	:	LETTER
Hendricus Mansvelt Beck and	:	
Jochem-Paul Bremmer	:	
Application No. 11/021,553	:	
Filed: December 23, 2004	:	
Atty Docket No. 05032-00061	:	

Dear Mr. Erwin de Winter:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

BANNER & WITCOFF, LTD.
28 STATE STREET
28th FLOOR
BOSTON, MA 02109-9601

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Jones Day
222 East 41st Street
New York, NY 10017

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OFFICE OF PETITIONS

In re Application of	:	
David Gala Gala	:	
Application No. 11/021,597	:	DECISION ON PETITION
Filed: December 23, 2004	:	TO WITHDRAW
Attorney Docket No. 153454600034	:	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 29, 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 Joseph M. Sauer and all attorneys/agents of record has been revoked by the assignee of the patent application on September 23, 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: Winstead PC
P.O. Box 50784
Dallas, TX 75201

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THE MATTHEWS FIRM
2000 BERING DRIVE
SUITE 700
HOUSTON TX 77057

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JUL 12 2005

OFFICE OF PETITIONS

In re Application of
Rahul K. Nath et al.
Application No. 11/021,603
Filed: December 21, 2004
Attorney Docket No. NATH-002:CIP

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)

This decision is in response to the petition filed June 21, 2005, under 37 CFR 1.47(a), in response to the Notice to File Missing Parts "Notice" mailed March 21, 2005.

The petition is **DISMISSED.**

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. 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.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on December 21, 2004, naming Rahul K. Nath and Rajinder as joint inventors. Accordingly, on March 21, 2005 a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration. In response, the present petition was filed, executed only by joint inventor Nath and seeking status under 37 CFR 1.47(a) because joint inventor Beri could not be found.

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 present petition lacks item (1).

In regards to item (1), aside from petitioners bald assertion that they have no present knowledge of where Mr. Beri can be reached, they have not provided sufficient proof that joint inventor Beri cannot be located or their efforts to locate him.

Petitioners must however provide details, in an affidavit or declaration of facts by a person with first hand knowledge of the details, of the efforts to locate joint inventor Beri, such as Internet, e-mail, or telephone directory searches, which have been undertaken to locate him, send a copy of the application papers to him at the last known address or give a copy of the application papers to him, and request that he sign and return the declaration. If repeated attempts to contact the non-signing inventor by telephone, mail, and e-mail, are unsuccessful, petitioners will have established that he cannot be found despite diligent efforts.

If the non-signing inventor refuses in writing to sign the declaration, petitioners should provide a copy of that written refusal with any renewed petition. If a verbal refusal to sign is made to a person, details should be given in an affidavit or declaration of facts by a person having first hand knowledge of the facts of refusal.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (703) 872-9306
Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SUITE 700
HOUSTON TX 77057

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SEP 23 2005

OFFICE OF PETITIONS

In re Application of
Rahul K. Nath et al.
Application No. 11/021,603
Filed: December 21, 2004
Attorney Docket No. NATH-002:CIP

:DECISION NOTING JOINDER OF
:INVENTOR AND PETITION UNDER
:**37 CFR 1.47(a) DISMISSED** AS
:INVOLVING MOOT ISSUES

A petition under 37 CFR 1.47(a) was filed June 21, 2005 and was dismissed in a decision mailed July 12, 2005.

Papers filed on September 12, 2005, in reply to the "Decision Refusing Status Under 37 CFR 1.47(a)" mailed July 12, 2005, included a declaration signed by the previously non-signing inventor, Rajinder Beri, in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is unnecessary.

The renewed petition filed September 12, 2005 is **DISMISSED** as involving moot issues.

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 matter will be referred 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

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APR 14 2005

OFFICE OF PETITIONS

SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA GA 30309

In re Application of
Aswald et al.
Application No. 11/021,619
Filed: December 23, 2004
Attorney Docket No. 16313-0329

: DECISION DISMISSING
: PETITION AS MOOT

This is a decision on the petition under 37 CFR 1.10 (c) filed on January 18,2005, requesting that the above-identified application be accorded a filing date of December 23, 2004.

Petitioner alleges that the application was deposited in Express Mail service on December 23, 2004. In support, on January 18, 2005, petitioner supplied a copy of Express Mail receipt No. EL973737706US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file).

A review of the Office PALM records reveals that this application was previously accorded a filing date of December 23, 2004. Further, a review of the United States Postal Service's Express Mail Information Database confirms the Express Mail package was accepted by the United States Postal Service on December 23, 2004.

Therefore, the present petition is unnecessary and will be **dismissed as moot**.

The application is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of **December 23, 2004**.

Telephone inquiries specific to 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

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CHEVRON CORPORATION
P.O. BOX 6006
SAN RAMON CA 94583-0806

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FEB 22 2008

OFFICE OF PETITIONS

In re Application of	:	
Juan Alberto BUITRAGO	:	
Application No. 11/021,620	:	DECISION ON PETITION
Filed: December 21, 2004	:	
Attorney Docket No. T-6387	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 16, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, February 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 May 15, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,540, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,050 extension of time fee submitted with the petition on October 16, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

This application is being referred to Technology Center AU 3731 for appropriate action by the Examiner in the normal course of business on the reply received October 16, 2007

April M. Wise
Petitions Examiner
Office of Petitions

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P.O. BOX 6006
SAN RAMON CA 94583-0806

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OFFICE OF PETITIONS

In re Application of	:	
Juan Alberto Buitrago	:	
Application No. 11/021,620	:	ON PETITION
Filed: December 21, 2004	:	
Attorney Docket No. T-6387	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 16, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 11, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A three (3) 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 December 12, 2008. The Notice of Abandonment was mailed March 30, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the 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 concerning this decision should be directed to the undersigned at (571) 272-2991.

This application is being referred to Technology Center AU 1797 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **JOSETTA I. JONES**
P.O. BOX 6006
SAN RAMON, CA 94583

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Cupertino CA 95015-1687

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JUL 06 2009

OFFICE OF PETITIONS

In re Patent No. 7,495,647	:	
John Tryhub et al.	:	DECISION ON
Issue Date: February 24, 2009	:	REQUEST FOR
Application No. 11/021,635	:	RECONSIDERATION OF
Filed: December 22, 2004	:	PATENT TERM ADJUSTMENT
Attorney Docket No. GENSP063	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(b)(2)(i) and (iii)," filed April 22, 2009, requesting that the patent term adjustment determination for the above-identified patent be changed from seven hundred nineteen (719) days to one thousand one hundred and eighty-two (1082) days.

The request for reconsideration of patent term adjustment is **DISMISSED**.

On February 24, 2009, the above-identified application matured into US Patent No. 7,495,647 with a patent term adjustment of 719 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 430-day period of adjustment pursuant to 37 C.F.R. § 1.703(b). Patentees maintain entitlement to a period of adjustment due to the Three Year Delay by the Office, pursuant to 37 CFR § 1.703(b), of 430 days and the period of adjustment

due to other examination delay, pursuant to 37 CFR §1.702(a), of 735 days.

The 430-day period is calculated based on the application having been filed under 35 U.S.C. § 111(a) on December 22, 2004, and the instant patent issued on February 24, 2009, which is 3 years and 430 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 16 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 (430 days) and the period of Examination Delay (735 days) to the extent that these periods of delay are not overlapping. However, Patentees contend that 67 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 1098 days, which is the sum of the period of Three Year Delay (430 days) and the period of Examination Delay (735 days), reduced by the period of overlap (67 days).

As such, Patentees assert entitlement to a patent term adjustment of 1082 days (430 + 735 reduced by 67 overlap - 16 (applicant delay)).

The Office agrees that the application issued 3 years and 430 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 735 days for Office delay is correct. At issue is whether Patentees should accrue 363 days of patent term adjustment for the Office taking in excess of three years to issue the patent (430 days less the 67 days of overlap), as well as 735 days for Office failure to take a certain action within a specified time frame (or examination delay).

<u>The Office contends that the entire 430-day period overlaps</u>. 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[1]

As such, the period for over 3 year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames. In other words, consideration of the overlap does not begin three years after the filing date of the application.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the entire period during which the application was pending before the Office, December 22, 2004 to February 24, 2009. 735 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 430 days for Office delay in issuing the patent overlap with the 735 days of Office delay</u>. During that time, the issuance of the patent was delayed by 735 days, not 735 + (430 - 67 = 363) days. Other than the period of Office delay pursuant to 37 C.F.R. § 702(a)(1) which totals 735 days, the Office took all actions set forth in 37 C.F.R. § 1.702(a) within the prescribed timeframes.

Nonetheless, given the initial 735 days of Office delay and the 16 days of applicant delay and the time allowed within the time frames for processing and examination, the patent issued three years and 430 days after its filing date. <u>The Office did not delay 735 days and then an additional 363 days</u>. The 430 days attributed to the delay in the issuance of the patent overlaps with the adjustment of 735 days attributable to the grounds specified in 37 C.F.R. § 1.702(a)(1). 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

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[1] The AIPA is title IV of the Intellectual Property and Communications Omnibus Reform Act of 1999 (S. 1948), which was incorporated and enacted as law as part of Pub. L. 106-113. The Conference Report for H.R. 3194, 106th Cong. 1st Sess. (1999), which resulted in Pub. L. 106-113, does not contain any discussion (other than the incorporated language) of S. 1948. A section-by-section analysis of S. 1948, however, was printed in the Congressional Record at the request of Senator Lott, See 145 Cong. Rec. S14,708-26 (1999)(daily ed. Nov. 17, 1999).

the patent. 735 days is determined to be the actual number of days that the issuance of the patent was delayed, considering the 430 days over three years to the issuance of this patent.

In view thereof, no adjustment to the patent term will be made.

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

STATUTE AND REGULATION

35 U.S.C. § 154(b) as amended by § 4402 of the American Inventors Protection Act of 1999[2] (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 –

[2] 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[3]:

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

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[3] (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[4]:

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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[4] (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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/26/09

TO SPE OF : ART UNIT 2629 Shapiro, Leonid

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/021635 Patent No.: 7495647

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Certificates of Correction Branch
703-308-9390 ext. _____

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
By aeisen at 5:28 pm, Jan 07, 2010

ALEXANDER EISEN
SPE

2629
Art Unit

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P.O. BOX 1687
Cupertino, CA 95015-1687

Mail Date: 04/20/2010

Applicant	: John Tryhub	: DECISION ON REQUEST FOR
Patent Number	: 7495647	: RECALCULATION of PATENT
Issue Date	: 02/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/021,635	: OF WYETH
Filed	: 12/22/2004	:
		:

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

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Jain, Hemant Kumar :
Application No. 11/021,637 :
Filed: December 22, 2004 :
Attorney Docket No. INT-104 :

This is a decision on the petition filed March 4, 2005, requesting that the above-identified application be accorded a filing date of December 22, 2004, rather than the presently accorded date of December 23, 2004. The petition is properly treated as a petition under 37 CFR 1.10(c).

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 December 22, 2004 pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV 455825286 US showing a handwritten "date-in" of "December 23, 2004. However, it also has a "December 22, 2004" receipt stamp. The same Express Mail receipt number appears on the original "Transmittal for Patent Application," which includes the Express Mail label number. Additionally, applicant has submitted copy of the Track & Confirm record showing that the package in question was accepted on December 22, 2004, at 3:44 p.m. in Palo Alto, CA.

In view of the USPS receipt stamp of December 22, 2004, appearing on the same Express Mail label, it is concluded that the application was deposited as "Express Mail" with the USPS on December 22, 2004.

The petition is **GRANTED**.

A petition under 37 CFR 1.10(c) does not require a petition fee and none has been collected.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of December 22, 2004, along with a corrected filing receipt.** Thereafter, the matter will be referred to Technology Center 2661 for examination in due course.

Telephone inquiries concerning this matter may be directed Paralegal Liana Chase at (571) 272-3206.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/021,675	12/23/2004	Jorn Altmann	200208406-1	3240

7590 04/18/2008
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EXAMINER
WOO, STELLA L

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
04/18/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment Date: 04/21/2008 DTERRY 11021675
12/30/2004 JBALINAN 00000048 082025
02 FC:1111 500.00 CR
04 FC:1202 450.00 CR

FORM PET651G (Rev. 08/07)

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

PROSKAUER ROSE LLP
PATENT DEPARTMENT
1585 BROADWAY
NEW YORK NY 10036-8299

COPY MAILED

AUG 20 2007

OFFICE OF PETITIONS

In re Application of
Meredith et al.
Application No. 11/021,678
Filed: December 21, 2004
Attorney Docket No. 35174-040

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 November 24, 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 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.

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 3749 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.

C. Steven Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT : Corrected Filing Receipt

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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/021,678	12/21/2004	3749	1000	35174-040	17	3

CONFIRMATION NO. 3255
CORRECTED FILING RECEIPT
OC000000025415124
OC000000025415124

21890
PROSKAUER ROSE LLP
PATENT DEPARTMENT
1585 BROADWAY
NEW YORK, NY 10036-8299

Date Mailed: 08/16/2007

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)

Philip Meredith, Bowling Green, KY;
Andrey Livchak, Bowling Green, KY;

Assignment For Published Patent Application

HALTON COMPANY

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 10/168,815 05/05/2003 PAT 6,851,421
which is a 371 of PCT/US01/00770 01/10/2001
which claims benefit of 60/175,208 01/10/2000

Foreign Applications

If Required, Foreign Filing License Granted: 02/19/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/021,678

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Exhaust hood with air curtain

Preliminary Class

126

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/021,684	12/21/2004	3611	500	1117	3	11	3

CONFIRMATION NO. 3222

CORRECTED FILING RECEIPT

OC000000015271939

27364
Law Offices Of Catherine Ashley Straight
455 Capitol Mall
Suite 405
SACRAMENTO, CA 95814

Date Mailed: 02/25/2005

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)

Wess A. Brown, Chico, CA;

Power of Attorney:

Catherine Straight–45521

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/31/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/021,684

Projected Publication Date: 06/22/2006

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Trailer dolly

Preliminary Class

280

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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015114
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CA 94111-3834

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JUN 2 0 2006
OFFICE OF PETITIONS

In re Application of	:	
Dominic Nancekievill	:	
Application No. 11/021,685	:	
Filed: November 23, 2004	:	ON PETITION
Title of Invention:	:	
MULTIPLEXER INCLUDING	:	
ADDITION ELEMENT	:	

This is a decision on the Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a), filed October 25, 2005. The delay in treating this petition is regretted.

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers ("Notice"), mailed February 15, 2005. The Notice set a reply period of two (2) months, and provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned April 16, 2005. A Notice of Abandonment was mailed October 21, 2005.

Applicant's Assertion

Applicant responds with the instant petition wherein Applicant avers that a timely reply was filed on April 14, 2005 using the

Certificate of Mailing procedures under 37 CFR 1.8. In support of this assertion, Applicant provides a copy of a Response to Notice.

A review of the Response reveals that it was filed with a Transmittal which included a Certificate of Mailing dated April 14, 2005, and executed by D. Bullock; however, no statement from D. Bullock, attesting to the mailing of the Response, has been included with the instant petition.

Applicable Law, Rules and MPEP

Thirty-seven CFR 1.8(b) provides

> 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.
> (c) The Office may require additional evidence to determine if the correspondence was timely filed.

Analysis/Conclusion

Applicant has failed to comply with 37 CFR 1.8(b)(3). A statement from D. Bullock, which attests on a personal knowledge basis to the previous timely mailing or transmission, is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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TOWNSEND AND TOWNSEND
AND CREW LLP/015114
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CA 94111-3834

COPY MAILED
OCT 19 2006
OFFICE OF PETITIONS

In re Application of :
Dominic Nancekievill :
Application No. 11/021,685 :
Filing/371(c) Date: 12/23/2004 :
Attorney Docket Number: :
15114H-077800US : ON PETITION

This is a decision on the Renewed Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a), filed July 18, 2006.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Corrected Application Papers (Notice), mailed February 15, 2005. The Notice set a two (2) month period for reply. No response having been received, the application became abandoned April 15, 2005. A Notice of Abandonment was mailed October 21, 2005.

Applicant's Assertion

Applicant files the instant petition and asserts that a timely reply was filed on April 14, 2005. In support of this assertion, Applicant has filed the necessary documentary and corroborative evidence demonstrating by a preponderance of the evidence that a timely reply to the Notice was filed on April 14, 2005.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to the Office of Initial Patent Examination for continued processing in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek B. Woods
Attorney
Office of Petitions

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RAYTHEON COMPANY
C/O DALY, CROWLEY, MOFFORD & DURKEE, LLP
354A TURNPIKE STREET
SUITE 301A
CANTON, MA 02021

Mail Date: 04/20/2010

Applicant	: Phillip I. Rosengard	: DECISION ON REQUEST FOR
Patent Number	: 7596560	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/021,687	: OF WYETH
Filed	: 12/23/2004	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Alexandria, Virginia 22313-1450
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INTERNATIONAL BUSINESS MACHINES CORP
IP LAW
555 BAILEY AVENUE , J46/G4
SAN JOSE, CA 95141

Mail Date: 04/20/2010

Applicant	: Ting Zhao	: DECISION ON REQUEST FOR
Patent Number	: 7613701	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/021,689	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **792** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

Mail Date: 06/01/2010

Applicant	: Aamod Khandekar	: DECISION ON REQUEST FOR
Patent Number	: 7623490	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/021,697	: OF WYETH
Filed	: 12/22/2004	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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www.uspto.gov

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SEP 07 2007

OFFICE OF PETITIONS

Seagate Technology c/o MOFO SF
425 Market St.
San Francisco, CA 94105

In re Application of	:	
Anthony Aiello et al.	:	
Application No. 11/021,702	:	DECISION ON PETITION
Filed: December 23, 2004	:	TO WITHDRAW
Attorney Docket No. 8209.063.NPUS00	:	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 24, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Seagate Technology c/o MOFO SF has been revoked by the assignee of the patent application on June 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 Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Seagate Technology LLC**
c/o Novak Druce & Quigg LLP
1000 Louisiana, Suite 5350
Houston, TX 77002

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HEWLETT PACKARD COMPANY
PO BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

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MAY 07 2008

OFFICE OF PETITIONS

In re Application of	:	
David John Lacey et al	:	
Application No. 11/021,709	:	DECISION GRANTING PETITION
Filed: December 22, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 200314691-1	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 7, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 8, 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 2123 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the IDS submitted on March 20, 2008.

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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FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 05/25/2010

Applicant	: Miriam Frieden	: DECISION ON REQUEST FOR
Patent Number	: 7622453	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/021,729	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **464** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE WA 99201

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MAY 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Karen Vasishth, et al.	:	
Application No. 11/021,746	:	DECISION GRANTING PETITION
Filed: December 23, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. MS1-2209US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 27, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 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 regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2435 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M, Wise
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

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OFFICE OF PETITIONS

In re Application of
ROME, Guy T. et al.
Application No. 11/021,769
Filed: December 21, 2004
Attorney Docket No. **480062005300**

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 05, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on May 19, 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 Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **RUTAN & TUCKER, LLP.**
611 ANTON BLVD
SUITE 1400
COSTA MESA CA 92626

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1 Maritime Plaza
Suite 300
San Francisco, CA 94111

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OFFICE OF PETITIONS

In re Application of	:	
Stephen D. Pacetti	:	
Application No. 11/021,775	:	DECISION GRANTING
Filed: December 22, 2004	:	PETITION
Attorney Docket No. 50623.401	:	

This is a decision on the petition filed February 17, 2005, requesting that the above-identified application be accorded a filing date of December 22, 2004, rather than the presently accorded date of December 26, 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 December 22, 2004. In support, the petition is accompanied by a copy of Express Mail receipt No. EV337974900US, showing a "date-in" of December 22, 2004. Petitioner has also provided a copy of the results from the US Postal Service's Track and Confirm website, which shows the package in question was accepted at the U. S. Postal Service on December 22, 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 December 22, 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 December 22, 2004.** Thereafter, the application file will be forwarded to Technology Center 1700 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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SQUIRE, SANDERS & DEMPSEY LLP
1 MARITIME PLAZA
SUITE 300
SAN FRANCISCO, CA 94111

Mail Date: 04/28/2010

Applicant	: Stephen D. Pacetti	: DECISION ON REQUEST FOR
Patent Number	: 7604818	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/021,775	: OF WYETH
Filed	: 12/22/2004	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA, VA 22182

Mail Date: 04/20/2010

Applicant	: Sung Choul Kim	: DECISION ON REQUEST FOR
Patent Number	: 7668553	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/021,778	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/23/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **806** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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OFFICE OF PETITIONS

In re Application of	:	
SETO, Christine et al.	:	
Application No. 11/021,786	:	DECISION ON PETITION
Filed: December 22, 2004	:	TO WITHDRAW
Attorney Docket No. **019433-001100US**	:	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 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 Mark Barrish on behalf of all attorneys of record who are associated. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **CHRISTINE SETO**
11088 OPHIR DR. APT. #301
LOS ANGELES, CA 90024

cc: **DOUGLAS A. COLLIER**
KRIEG DEVAULT LLP
ONE INDIAN SQUARE
SUITE 2800
INDIANAPOLIS, IN 46204

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BUCKLEY, MASCHOFF, TALWALKAR LLC
5 ELM STREET
NEW CANAAN, CT 06840

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OFFICE OF PETITIONS

In re Application of	:	
Markus Oezgen	:	DECISION GRANTING
Application No. 11/021,789	:	PETITION
Filed: December 23, 2004	:	
Attorney Docket No. 2004P00784US	:	

This is a decision on the petition under 37 CFR 1.10(d), filed March 10, 2005, which has been treated as a petition under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of December 23, 2004, rather than the presently accorded filing date of December 22, 2004.

Petitioners allege that the application was deposited in Express Mail service on December 23, 2004. In support, the petition is accompanied by a copy of Express Mail Receipt No. EL963888879US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of December 23, 2004.

In view of the above, and of other documentation found the file, the petition is **GRANTED**.

Accordingly, the application is entitled to a filing date of December 23, 2004.

The application is being returned to the Office of Initial Patent Examination for processing with a filing date of December 23, 2004, and issuance of a corrected filing receipt.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
United States Patent and Trademark Office

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OFFICE OF PETITIONS

In re Application of	:	
Elizabeth K. rallo, et al.	:	
Application No. 11/021,794	:	DECISION ON PETITION
Filed: December 23, 2004	:	
Attorney Docket No. G04.028	:	

This is a decision in the response to a petition filed February 2, 2005, requesting that the above-identified application be accorded a filing date of December 23, 2004.

A review of the record discloses that USPTO records have been updated to show the correct filing date pursuant to 37 CFR 1.10. A corrected Official Filing Receipt was mailed on May 23, 2005.

Accordingly, the present petition is **Dismissed as Moot.**

No petition fee was charged to counsels deposit account, nor is one due.

This application matter is being referred to OIPE for further processing.

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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SUITE 340
ATLANTA GA 30328

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OFFICE OF PETITIONS

In re Application of	:	
JOHN DEVINCENZO et al.	:	
Application No. 11/021,808	:	DECISION ON PETITION
Filed: December 27, 2004	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **250.23**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 06, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the declaration of inventor John DeVincenzo, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3732 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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GENETICS INSTITUTE, LLC
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CAMBRIDGE, MA 02140

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OFFICE OF PETITIONS

In re Application of	:	
Garber, et al.	:	
Filed: December 23, 2004	:	ON PETITION
Application No. 11/021,819	:	
Atty. Dkt. No.: BGNA156CN	:	

This decision is in response to the "PETITION TO NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION," filed July 29, 2005 to accord the above-identified application a filing date of December 23, 2004.

The petition is hereby **DISMISSED AS MOOT**.

The application was filed December 23, 2004. A Notice to File Missing Parts of Nonprovisional Application was mailed January 27, 2005 indicating, *inter alia*, that the instant application had been accorded a filing date of December 23, 2004, but that the content of the copy of the "Sequence Listing" in computer readable form did not comply with the requirements of 37 CFR 1.822 and/or 1.823. The Notice to File Missing Parts of Nonprovisional Application required a response within two months and indicated that extensions of time would be governed by 37 CFR 11.36(a).

A response to the Notice of Missing Parts of Nonprovisional Application was submitted March 29, 2005. In response to this submission, a Notice of Omitted Item(s) in a Nonprovisional Application (Notice) was mailed May 31, 2005, indicating that the application had been accorded a filing date, but that the "office is unable to read all of the files on the compact disc(s)" and required that a new duplicate set of discs be submitted. The Notice advised that the filing date of the application would be the date of submission of the "omitted" items.

The Notice is factually inaccurate as there were no items omitted upon filing, thus entitling applicant to a filing date of December 23, 2004, as indicated in the Notice to File Missing Parts of Nonprovisional Application mailed January 27, 2005.

In view thereof, the instant petition is unnecessary and the Notice mailed May 31, 2005 is hereby WITHDRAWN to the extent that it indicates the application would be accorded a filing date as of the date of submission of the "omitted" items.

No petition fee is due in connection with this matter. A refund of the previously submitted $400.00 petition fee has been requested from the Finance Office, Refund Section.

This application will be returned to the Office of Initial Patent Examination for further processing, maintaining a filing date of December 23, 2004.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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BIOGEN IDEC
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
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JUN 29 2009

OFFICE OF PETITIONS

In re Patent No. 7,429,645	:	
GARBER et al.	:	DECISION ON
Issue Date: September 30, 2008	:	REQUEST FOR RECONSIDERATION
Application No. 11/021,819	:	OF
Filed: December 23, 2004	:	PATENT TERM ADJUSTMENT
Attorney Docket No. BGNA156CN	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDRATION UNDER 37 CFR § 1.705(b) and (d)", filed November 25, 2008, requesting that the patent term adjustment determination for the above-identified patent be changed from one hundred twenty-four (124) days to three hundred eighty-one (381) days. The petition is properly treated under 37 CFR 1.705(d).

The request for reconsideration of patent term adjustment is **DISMISSED**.

On September 30, 2008, the above-identified application matured into US Patent No. 7,429,645 with a revised patent term adjustment of 124 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, where there is no overlap between the PTO delay under 35 U.S.C. 154(b)(1)(A) and the delay under 35 U.S.C. 154(b)(1)(B), the correct calculation for patent term adjustment is the sum of PTO delay plus Three Year delay. Patentees

maintain that the period of adjustment due to the Three Year Delay by the Office, pursuant to 37 CFR 1.702(b), of 282 days and the period of adjustment due to examination delay, pursuant to 37 CFR 1.702(a), of 257 days do not overlap.

The 282-day period is calculated based on the application having been filed under 35 U.S.C. 111(a) on December 23, 2004, and the patent having been issued on September 30, 2008, three years and 282 days later. Patentees assert that in addition to this 282-day period, they are entitled to a period of adjustment due to examination delay pursuant to 37 CFR 1.702(a)(1) of 257 days for the failure by the Office to mail at least one of a notification under 35 U.S.C. 132 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a). A Restriction Requirement was mailed on November 7, 2006, 14 months and 257 days after the application was filed on December 23, 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 158 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 (282 days) and the period of Examination Delay (257 days) to the extent that these periods of delay are not overlapping. However, in effect, patentees contend that no portion of the Three Year Delay period overlaps with the period of 14-month examination delay. Accordingly, patentees submit that the total period of adjustment for Office delay is 539 days, which is the sum of the period of Three Year Delay (282 days) and the period of Examination Delay (257 days), reduced by the period of overlap (0 days). As such, patentees assert entitlement to a patent term adjustment of 381 days (282 + 257 reduced by 0 overlap - 158 (applicant delay)).

The Office agrees that as of the issuance of the patent on September 30, 2008, the application was pending three years and

282 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 257 days is correct. At issue is whether patentees should accrue 282 days of patent term adjustment for the Office taking in excess of three years to issue the patent, as well as, 257 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that 282 days overlap. Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> to the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

Likewise, 35 CFR 1.703(f) provides that:

> To the extent that periods of delay attributable to the grounds specified in § 1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C.

> 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 56366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004).

The current wording of § 1.703(f) was revised in response to the misinterpretation of this provision by a number of Patentees. The rule was slightly revised to more closely track the corresponding language of 35 U.S.C. 154(b)(2)(A). The relevant portion differs only to the extent that the statute refers back to provisions of the statute whereas the rule refers back to sections of the rule. This was not a substantive change to the rule nor did it reflect a change of the Office's interpretation of 35 U.S.C. 154(b)(2)(A). As stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding § 1.702 overlap, the period of adjustment granted shall not exceed the actual number of days

the issuance of the patent was delayed. The grounds specified in these sections cover the A) guarantee of prompt Patent and Trademark Office responses, B) guarantee of no more than 3-year application pendency, and C) guarantee or adjustments for delays due to interference, secrecy orders and appeals. A section by section analysis of 35 U.S.C. 154(b)(2)(A) specifically provides that:

> Section 4402 imposes limitations on restoration of term. In general, pursuant to [35 U.S.C.] 154(b)(2)(A)-(C), total adjustments granted for restorations under [35 U.S.C. 154](b)(1) are reduced as follows: (1) To the extent that there are multiple grounds for extending the term of a patent that may exist simultaneously (e.g., delay due to a secrecy order under [35 U.S.C.] 181 and administrative delay under [35 U.S.C.] 154(b)(1)(A)), the term should not be extended for each ground of delay but only for the actual number of days that the issuance of a patent was delayed; See 145 Cong. Rec. S14,718[1]

As such, the period for over three-year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames. In other words, consideration of the overlap does not begin three years after the filing date of the application.

In this instance, the relevant period under 35 U.S.C. 154(b)(i)(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 from the filing date of the application on December 23, 2004, to the date the patent issued on September 30, 2008. (There were no periods excluded under 35 U.S.C. 154(b)(i)(B)(i)-(iii)). Prior to the issuance of the patent, 257 days of patent term adjustment were

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[1] The AIPA is title IV of the Intellectual Property and Communications Omnibus Reform Act of 1999 (S. 1948), which was incorporated and enacted as law as part of Pub. L. 106-113. The Conference Report for H.R. 3194, 106th Cong. 1st Sess. (1999), which resulted in Pub. L. 106-113, does not contain any discussion (other than the incorporated language) of S. 1948. A section-by-section analysis of S. 1948, however, was printed in the Congressional Record at the request of Senator Lott, See 145 Cong. Rec. S14,708-26 (1999)(daily ed. Nov. 17, 1999).

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. The 282 days of delay for the Office taking in excess of three years to issue the patent overlap with the 257 days accorded pursuant to 37 CFR 1.702(a)(1). Accordingly, 25 days of patent term adjustment was properly entered since the period of delay of 282 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 257 days attributable to ground specified in § 1.702(a)(1).

Accordingly, at issuance, the Office properly entered 25 additional days of patent term adjustment for the Office taking in excess of three years to issue the patent for a total Office delay of 282 days.

In view thereof, the revised determination of patent term adjustment at the time of the issuance of the patent will remain 124 days.

The Office acknowledges the 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) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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JUN 14 2007

TECHNOLOGY CENTER 3600

HAYNES AND BOONE, LLP
901 MAIN STREET, SUITE 3100
DALLAS TX 75202

APPLICANT: John R. Stanley III
SERIAL NO. 11/021,822
FILED: December 23, 2004
DOCKET # 35197.9/04W197

:PETITION FOR WITHDRAWAL
:OF RESTRICTION REQUIREMENT

FOR: WEAPON SIGHT HAVING MULIT-MUNITIONS BALLISTICS COMPUTER

This is in response to the petition filed on April 5, 2007 for withdrawal of the restriction requirement mailed on March 2, 2006.

The petition is GRANTED.

FACTS

On February 13, 2006, a requirement for restriction was made by telephone with traverse.

On March 2, 2006, a non-final action was mailed that included written confirmation of the requirement.

On May 1, 2006, applicant properly submitted reasons for the traversal of the restriction.

On July 14, 2006, the restriction requirement was made final in a final office action.

On April 5, 2007, the instant petition was submitted.

DISCUSSION

Applicant sets forth a number of reasons why the restriction is improper. However, rather than discussing each and every issue a cursory review of the remarks and the restriction requirement results in the following:

The subject language at issue is as follows:

From the apparatus claim 1, "an electronic control portion...for calculating how to hit a target"

From the method claim 11, "an electronic control portion...calculating...how to hit a target"

From the apparatus claim 18, "electronic control means...for calculating how to hit a target"

The examiner, in response to the traversal of the restriction requirement, in the final rejection of July 14, 2006, indicated that in claims 1 and 18, the electronic control merely had to be *capable* of calculation how to hit a target, whereas in claim 11, the control portion *must* actually perform the function.

Applicant's petition alleges that under 112 6th, the means clauses in claim 18, requires by definition, a positive recitation of physical structure. It is understood that the physical structure from the specification and its equivalents are taken from the specification.

One of the examiner's main considerations for restriction was the issue of whether or not the applicant was invoking 35 USC 112 6th paragraph. In applicant's latest response, it was made clear that applicant was in fact invoking 35 USC 112 6th, therefore the issue being resolved, the restriction is hereby withdrawn.

Applicant has not argued the restriction requirement between claims 1 and 11, however a review of the language of the claim, the examiner's search and the art of record indicate that there would be little burden on the examiner to include the method claims when considering claims 1-10.

Since, at the time of the consideration of this petition, the application was currently before the examiner for consideration of the response filed April 5, 2007, the examiner has been notified in advance of this decision.

The petition is GRANTED.

Any question concerning this decision should be referred to SPE Michael Carone at 571-272-6873.

Donald Hajec
Director, TC 3600
(571) 272-5150

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OFFICE OF PETITIONS

In re Application of
David Lewis
Application No. 11/021,842
Filed: December 22, 2004
Attorney Docket No. 306812007300

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 9, 2005.

The request is **MOOT**.

A review of the file record indicates that the power of attorney to MORRISON & FOERSTER LLP, has been revoked by the assignee of the patent application on October 24, 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

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JUN 19 2007

TECHNOLOGY CENTER 3600

HAYNES AND BOONE, LLP
901 MAIN STREET, SUITE 3100
DALLAS TX 75202

APPLICANT: John R. Stanley III
SERIAL NO. 11/021,847
FILED: December 23, 2004
DOCKET # 35197.4/04W044

:PETITION FOR WITHDRAWAL
:OF RESTRICTION REQUIREMENT

FOR: DEVICE WITH MULTIPLE SIGHTS
FOR RESPECTIVE DIFFERENT MUNITIONS

This is in response to the petition filed on February 8, 2007 for withdrawal of the restriction requirement mailed on March 1, 2006.

The petition is DENIED.

FACTS

On March 1, 2006, the examiner made a requirement for restriction.

On March 28, 2006, applicant properly submitted reasons for the traversal of the restriction.

On April 19, 2006, the restriction requirement was made final in a non-final office action.

On May 30, 2006, applicant continued to argue the requirement for restriction.

On August 14, 2006, the examiner provided a detailed reasoning and response to applicants arguments.

On September 19, 2006, applicant responded to the examiners reasoning.

On February 8, 2007, the instant petition was submitted.

DISCUSSION

The examiner restricted the claims into two groups, namely Group I, claims 1-15 as being drawn to an apparatus and method of operating a weapon, classified in 42/111, and Group II, claims 16-30, drawn to a method and apparatus of operating a weapon-mountable sight, classified in class 89/41.17.

The claims of the first group claim an apparatus and method of using an apparatus including a first and second sight for facilitating weapon orientation in preparation of firing two different ammunitions, respectively.

The claims of the second group claim an apparatus and method of using an apparatus including first and second sights that each facilitate weapon orientation in combination with an electronic control portion that exerts control with respect to the first and second sights and both sights displaying targeting information generated by the electronic control portion.

Applicants sole argument is that the classification of the grouping of Group II is improper, and therefore it does not give any proper and valid reason as to why Group I should be distinct from Group II. The applicant indicates that without a proper classification, an adequate review of the restriction cannot be made.

The examiner contends that restriction is proper since the search for Group I is different from the search for Group II. In the non-final office action of August 14, 2006, the examiner provides detailed reasoning as why both a text search and class/subclass search would be different. Additionally, the examiner provides class 359 as a required search for Group II that is not required for Group I. A review of the examiners search history indicates that the search for the invention of Group I did not include class 359, thereby providing evidence of the examiners assertion.

It is noted that the applicant had never argued the allegation of distinctness, i.e. combination/subcombination. Applicant only argues that the classification of Group II was improper, and therefore, assumably, the reasons for insisting upon restriction, i.e. separate status in the art as evidenced by their different classification are defective.

DECISION

MPEP 1817 provides a number of reasons for insisting upon restriction, including separate status in the art, different classification, same classification but recognition of divergent subject matter, divergent fields of search or search required for one group not required for the other.

The examiners remarks in the non-final rejection of August 14, 2006 are taken into consideration. In those remarks, the examiner sets forth the serious burden issue and provides a thorough reasoning of why burden exists.

The examiner has demonstrated at least one of these reasons, i.e. divergent fields of search. Therefore, the issue of whether or not the classification is proper is immaterial the evidence and reasoning provided by the examiner and would not assist in clarifying the issue at hand.

Therefore, irrespective of the correctness of the classification of the groupings, the examiner has adequately established reasoning for serious burden as required.

Applicants petition is DENIED.

Petitioner is reminded that the period for reply to the final Office action mailed April 30, 2007 expires on July 30, 2007.

Any question concerning this decision should be referred to SPE Michael Carone at 571-272-6873.

Kathy Malecki

for Donald Hajec
Director, TC 3600
(571) 272-5150

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OFFICE OF PETITIONS

In re Application of :
Lee M. Amaitis et al :
Application No. 11/021,848 : ON PETITION
Filed: December 22, 2004 :
Attorney Docket No. 075234.0137

This is a decision on the petition, filed May 22, 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 30, 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 3714 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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OFFICE OF PETITIONS

In re Application of :
Su et al. : DECISION ON PETITION
Application No. 11/021,862 :
Filed: December 27, 2004 :
Attorney Docket No. 930221US :

This is a decision on the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT," filed July 27, 2006.

The petition under 37 CFR § 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).

The above-identified application became abandoned for failure to timely file a proper reply to the NOTICE REQUIRING EXCESS CLAIM FEES mailed December 22, 2005. This Notice set a one (1) month time period for submitting the fee payment for payment of excess claim fees, or an amendment in compliance with 37 CFR 1.121 that cancels the excess claims. No reply considered timely filed, the application became abandoned effective January 23, 2006. The instant petition precedes the mailing of a courtesy Notice of Abandonment.

Petitioner filed the instant petition, asserting, in effect, that the Notice as mailed on December 22, 2005 was not received. In support thereof, petitioner submitted what was stated as a record list of mail received from USPTO starting from December 1, 2005 was submitted to prove the notice was not received.

There is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Notice, petitioner must submit evidence to overcome this presumption. The record reveals no irregularity in the mailing. The Notice was mailed to the address consistent with the filing of a change of correspondence address filed on December 16, 2005.

The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. In addition, a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. See MPEP 711.03(c).

Here, the practitioner does not attest that a search of the file jacket and docket records indicates that the Office communication was not received. Nor is a copy of the relevant docket records submitted. The record of mail received does not appear to constitute a docket report showing all replies docketed for a date one month from the mail date of the nonreceived Office action. In addition, there is no explanation as to why this mail record should be accepted in lieu of such a docket record. In view thereof, the petition must be dismissed.

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 concerning this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Su et al. : DECISION ON PETITION
Application No. 11/021,862 :
Filed: December 27, 2004 :
Attorney Docket No. 930221US :

This is a decision on the "REQUEST FOR RECONSIDERATION," filed January 3, 2007.

The request for reconsideration of petition under 37 CFR § 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).

The above-identified application became abandoned for failure to timely file a proper reply to the NOTICE REQUIRING EXCESS CLAIM FEES mailed December 22, 2005. This Notice set a one (1) month time period for submitting the fee payment for payment of excess claim fees, or an amendment in compliance with 37 CFR 1.121 that cancels the excess claims. No reply considered timely filed, the application became abandoned effective January 23, 2006. The instant petition precedes the mailing of a courtesy Notice of Abandonment.

By decision mailed November 2, 2006, the initial "PETITION TO WITHDRAW HOLDING OF ABANDONMENT" filed July 27, 2006 was dismissed. Applicants alleged non-receipt of the Office action. However, applicants failed to meet the showing required to establish non-receipt of an Office communication. The practitioner did not attest that a search of the file jacket and

docket records indicated that the Office communication was not received. Furthermore, applicants did not supply a copy of the docket records showing all replies docketed for a date one month from the mail date of the nonreceived Office action.

On instant renewed petition, applicants submitted a statement regarding the list of mail received from USPTO. Therein, the representative of G. Link Co., Ltd. stated that every letter received from the USPTO is recorded and a copy of the letter is forwarded to the first named inventor. Further, the representative stated that applicants are then responsible for replying to the USPTO themselves so that we do not provide record related to replies.

This showing does not meet the *Delgar* standard set forth above. Petitioner has not submitted the required docket record. Petitioner's arguments are not persuasive that the list of mail received from their intermediary is acceptable as a substitute for the required docket records. In view thereof, the petition must be dismissed.

Applicants are not precluded from filing a petition to revive pursuant to 37 CFR 1.137. Filing of such a petition should not be intentionally delayed. See MPEP 711.03(c).

Further correspondence with respect to this decision should be addressed as follows:

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Alexandria, VA 22313-1450

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By hand: Customer Service Window
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Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
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OFFICE OF PETITIONS

In re Application of :
Su et al. : DECISION ON PETITION
Application No. 11/021,862 :
Filed: December 27, 2004 :
Attorney Docket No. 930221US :

This is a decision on the "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINENTIONALLY UNDER 37 CFR 1.137(b)," and "NOTICE ACCOMPANYING PETITION TO REVIVE" both filed September 14, 2007.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper reply to the NOTICE REQUIRING EXCESS CLAIM FEES mailed December 22, 2005. This Notice set a one (1) month time period for submitting the fee payment for payment of excess claim fees, or an amendment in compliance with 37 CFR 1.121 that cancels the excess claims. No reply considered timely filed, the application became abandoned effective January 23, 2006. A courtesy Notice of Abandonment was mailed on May 29, 2007.

By decision mailed November 2, 2006, the initial "PETITION TO WITHDRAW HOLDING OF ABANDONMENT" filed July 27, 2006 was dismissed. Applicants alleged non-receipt of the Office action. However, applicants failed to meet the showing required to establish non-receipt of an Office communication. The practitioner did not attest that a search of the file jacket and docket records indicated that the Office communication was not received. Furthermore, applicants did not supply a copy of the

docket records showing all replies docketed for a date one month from the mail date of the nonreceived Office action.

By decision mailed May 18, 2007, a renewed petition to withdraw the holding of abandonment filed January 3, 2007 was dismissed. Petitioner continued to fail to meet the *Delgar* standard for establishing non-receipt of an Office action.

On instant renewed petition, petitioner submitted payment of excess claim fees. In addition, petitioner paid the petition fee and made the required statement of unintentional delay. The instant petition, including the statement of unintentional delay, was filed and signed by a new attorney of record on behalf of the assignee. A declaration and power of attorney from the inventors to the new attorney (and all other attorneys under the Customer Number) and a 3.73(b) statement were previously filed on August 30, 2007.

Given the change in attorney, 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.

In view thereof, it is concluded that petitioner has now met all requirements of 37 CFR 1.137(b) for revival of this application.

The application file is being forwarded to the Office of Patent Application Processing for completion of pre-examination processing, given the receipt of the excess claim fees on petition filed September 14, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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SEAGATE TECHNOLOGY LLC
INTELLECTUAL PROPERTY DEPT./ MAIL STOP NRW-097
7801 COMPUTER AVENUE SOUTH
BLOOMINGTON, MN 55435

Mail Date: 04/21/2010

Applicant	: Dorothea Buechel	: DECISION ON REQUEST FOR
Patent Number	: 7596072	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/021,876	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1117** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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OSHA LIANG L.L.P.
1221 MCKINNEY STREET
SUITE 2800
HOUSTON, TX 77010

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SEP 09 2005

OFFICE OF PETITIONS

In re Application of	:	
Matthew T. Novi	:	
Application No. 11/021,884	:	DECISION GRANTING
Filed: December 22, 2004	:	PETITION
Attorney Docket No. 09469/011001	:	

This is a decision on the petition filed March 23, 2005, requesting that the above-identified application be accorded a filing date of December 22, 2004, rather than the presently accorded date of December 23, 2004. The petition is properly treated as a petition under 37 CFR 1.10(c).

The petition is **GRANTED**.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on December 22, 2004 pursuant to 37 CFR 1.10. While the copy of the Express Mail label receipt No. EV 576720876 US bears a handwritten "date-in" of December 23, 2004, it also includes a USPS receipt date stamp of December 22, 2004. Petitioner is alleging that the date of mailing shown in the "date-in" is a U. S. Postal Service (USPS) error and the correct date of mailing pursuant to 37 CFR 1.10 is December 22, 2004.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label, MPEP 513. However, in view of the conflicting dates on the label, a search of the USPS' Express Mail Track and Confirm database was made and confirms that the package bearing Express Mail label No. EV 576720876 US was accepted on December 22, 2004.

This application file is being returned to the Office of Initial Patent Examination (OIPE) for **correction of the filing date to December 22, 2004 and issuance of a corrected filing receipt.**

Telephone inquiries relating to this decision should be directed to Andrea Smith at (571) 272-3226. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

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RICHARD D. MULTER
P.O. BOX 2384
SHELTON, WA 98584

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OFFICE OF PETITIONS

In re Application of :
Miller, et al. :
Application No. 11/021,890 :
Filed: December 23, 2004 :
Attorney Docket No. 2062-11 :

ON PETITION

This is a decision on the papers styled, "Petition," filed April 25, 2005, and April 28, 2005, which has been treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of December 23, 2004, including one (1) sheet of drawings.

The application was submitted on December 23, 2004. However, on February 25, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice Of Incomplete Nonprovisional Application" (Notice) that stated the application had not been accorded a filing date, and that the application was deposited without drawings.

In response, on April 25, 2005 and April 28, 2005, the instant petition was submitted. Petitioner argues that one (1) sheet of drawings was filed on December 23, 2004. In support, the instant petition is accompanied by a copy of applicants' postcard receipt that acknowledges receipt of "1 sheet of drawings" on December 23, 2004. A review of the application file indicates the presence of zero (0) sheets of drawings filed on December 23, 2004. It is assumed that missing sheet of drawings was misplaced by the Office.

In view of the above, the petition is granted.

The $400.00 petition fee will be refunded by treasury check.

This application will be returned to OIPE for further processing with a filing date of December 23, 2004, using the one (1) sheet of drawings, supplied on April 25, 2005.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
United States Patent and Trademark Office

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CARR & FERRELL LLP
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Palo Alto, CA 94303

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AUG 14 2006
OFFICE OF PETITIONS

In re Application of	:	
Peter Z. ONUFRYK et al.	:	
Application No. 11/021,894	:	DECISION ON PETITION
Filed: December 23, 2004	:	TO WITHDRAW
Attorney Docket No. PA277BUS	:	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 13, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to V. Randall Gard has been revoked by the assignee of the patent application on March 23, 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 Bucci
Petitions Examiner
Office of Petitions

cc: GLASS & ASSOCIATES
P.O. Box 1220
Los Gatos, CA 95031-1220

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BETHESDA, MD 20817

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MAY 2 2 2006

OFFICE OF PETITIONS

In re Application of	:	
Steven B. Marshall	:	
Application No. 11/021,906	:	DECISION ON REQUEST
Filed: December 22, 2004	:	TO WITHDRAW
Attorney Docket No. TUS0383	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 5, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

Thomas P. Liniak has been withdrawn as attorney or agent of record; all other attorneys remain of record.

Telephone inquiries concerning this decision should be directed to Sherry D. Brinkley at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Conferee: David Bucci

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Paper No. None

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MAY 09 2005

OFFICE OF PETITIONS

LAHIVE & COCKFIELD, LLP.
28 STATE STREET
BOSTON MA 02109

In re Application of :
Lucio Cetto :
Application No. 11/021,910 : DECISION ON PETITION UNDER
Filing Date: December 22, 2004 : 37 C.F.R. §1.10(c)
Attorney Docket No. MWS-138 :
Title: METHODS AND SYSTEMS FOR :
CLASSIFYING MASS SPECTRA :

This is a decision on the petition under 37 C.F.R. §1.10(c), filed April 14, 2005, requesting the according of a filing date of December 22, 2004 to application number 11/021,910.

The application was deposited on December 22, 2004. Shortly thereafter, the Office mailed a filing receipt, indicating that application number 11/021,910 had been accorded a filing date of December 23, 2004.

With the instant petition, Petitioner has included a copy of the Express Mail label number EV465007397US[1].

Petitioner has alleged that the application was deposited on December 22, 2004, and the Patent Office has incorrectly assigned a filing date of December 23, 2004 to the instant application. Petitioner has included a copy of the Express Mail label, and it is noted that it bears a "date-in" of December 22, 2004.

A check of the Office's USPS Express Mail Finder Database computer program was inconclusive. A check of the United States Postal Service's website (http://www.usps.com/shipping/trackandconfirm.htm) was also inconclusive, in that it stated that the information pertaining

1 The Utility Patent Application Transmittal sheet has been located in the electronic file, and it is noted that it contains this same Express Mail label number.

to this Express Mail label number is stored off-line. A copy of the latter search result is enclosed.

Although the application received a filing date of December 23, 2004, the evidence is convincing that the application papers were filed on December 22, 2004, and the Patent Office assigned the incorrect date to the application. Therefore, the application was entitled to a filing date of December 22, 2004.

Accordingly, the petition is **GRANTED**.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of December 22, 2004, as well as the mailing of a corrected filing receipt.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

Encl.

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DORSEY & WHITNEY, LLP
INTELLECTUAL PROPERTY DEPARTMENT
370 SEVENTEENTH STREET, SUITE 4700
DENVER, CO 80202-5647

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OFFICE OF PETITIONS

In re Application of	:	
Joe W. Cacka et al	:	
Application No. 11/021,914	:	DECISION ON PETITION
Filed: December 23, 2004	:	TO MAKE SPECIAL UNDER
Attorney Docket No.1332/US/2	:	37 CFR 1.102(d)
	:	

This is a decision on the petition under 37 CFR §1.102(d), filed October 27, 2005, to make the above-identified application special based on actual infringement as set forth in M.P.E.P. § 708.02, Section II.

The petition is **DISMISSED.**

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

> (A) That there is an infringing device or product actually on the market or method in use;
>
> (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
>
> (C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.
>
> Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition did not provide copies of each reference deemed most closely related to the subject matter encompassed by the claims. References with cite numbers 605-621, 623-624,626-644, and 646-653 on the IDS submitted on July 11, 2005 have not been provided.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By 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 3732 for action in its regular turn.

Denise Pothier
Petitions Examiner
Office of Petitions