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PATEL & ALUMIT, P.C.
SUITE 302
20121 VENTURA BLVD.
WOODLAND, HILLS CA 91364

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NOV 0 6 2008

In re Application of
Michael E. Christeson, et al.
Application No. 11/021,934
Filed: December 23, 2004
Attorney Docket No. None

ON PETITION

This is a decision in response to the petition, filed July 21, 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 a Notice of Non-Compliant Amendment mailed March 2, 2007. A Notice of Abandonment was mailed on October 9, 2007. On July 21, 2008, the present petition was filed.

The petition is not signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Edwin P. Tarver 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. If, Mr. Tarver desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to Mr. Tarver, 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 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 770; and (3) an adequate statement of unintentional delay[1].

The application is being referred to Technology Center AU 3677 for appropriate action by the Examiner in the normal course of business.

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: EDWIN P. TARVER
16830 VENTURA BLVD. SUITE 360
ENCINO, CA 91436

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MARK YOUNG, P.A.
12086 FORT CAROLINE ROAD
UNIT 202
JACKSONVILLE FL 32225

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In re Application of :
Denise BARRETT :
Application No. 11/021,940 : DECISION ON PETITION
Filed: December 24, 2004 :
Attorney Docket No. DB.001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 17, 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 June 19, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 20, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $770.00; and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of June 19, 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 file is being referred to Technology Center AU 3732 for appropriate action on the concurrently filed amendment.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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Stephen Donovan
Allergan, Inc.
2525 Dupont Drive
Irvine CA 92612

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OFFICE OF PETITIONS

In re Application of
Weber, Kane, Rehal, Lathrop, Aptekarev,
Etter, Gerondale, Bhagat and Davis
Application No.11/ 021,947
Filed: December 23, 2004
Attorney Docket No. 17658CIP3
Title of Invention: Apparatus For Delivery of Ocular Implants

DECISION GRANTING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a) filed March 22, 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. The declaration attest a copy of the application was sent to non-signing inventor's last known address. The non-signing inventor's failure to respond to the application mailing sufficiently establishes that he refuses to execute the application papers.

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

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

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

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DEC 17 2007

AGILENT TECHNOLOGIES, INC.
INTELLECTUAL PROPERTY ADMINISTRATION, LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND, CO 80537

In re Application of:	:
James M. Minor	:
Serial No.: 11/021,948	: PETITION DECISION
Filed: December 23, 2004	:
Attorney Docket No.: 10040917-1	:

This is in response to the petition under 37 CFR § 1.181, filed October 9, 2007, requesting that the finality of the Office action of August 3, 2007 be withdrawn.

BACKGROUND

More recently, the examiner mailed a final Office action on August 3, 2007, setting a three month shortened statutory period for reply. In this action, claims 1-31 were pending, claims 18-31 were withdrawn from examination on the merits, and claims 1-17 were examined. Claims 1-17 were rejected under 35 USC 112, First and Second paragraphs, and rejected under 35 USC 101. Additionally, claims 1-6, 8, 9 and 13-16 were rejected under 35 USC 102(b) as being anticipated by Yang et al. as supported by Dudroit et al.

In response to the final Office action of August 3, 2007, applicant filed a petition under 37 CFR § 1.181on October 9, 2007, requesting that the finality of the Office action of August 3, 2007 be withdrawn. On October 9, 2007, applicant additionally submitted an amendment after final rejection including remarks and arguments.

In reply to applicant's request, the examiner found applicant's arguments pertaining to the final Office action of August 3, 2007 persuasive and subsequently issued a new final Office action on December 5, 2007, setting a three month statutory period for reply. While this Office action was made final, the examiner indicated that the rejections made therein were necessitated by the applicant's amendments to the claimed invention.

DISCUSSION

Inasmuch as the examiner has withdrawn the finality of the Office action dated August 03, 2007, the petition is moot and is hereby dismissed.

DECISION

The petition is **DISMISSED** as moot.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Christopher Low
Acting Director, Technology Center 1600

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Paper No.

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

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MAR 2 9 2010

OFFICE OF PETITIONS

In re Patent No. 7,485,296	:	DECISION ON REQUEST
Reiter et al.	:	FOR RECONSIDERATION OF
Issue Date: February 3, 2009	:	PATENT TERM ADJUSTMENT
Application No. 11/021,950	:	and
Filed: December 21, 2004	:	NOTICE OF INTENT TO ISSUE
Atty Docket No.02307K-156900US:		CERTIFICATE OF CORRECTION

This is a decision on the petition filed on April 3, 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 hundred forty-four (144) 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 **four hundred six (406)** days.

Patentee's calculation of B delay (37 C.F.R. 1.702(b)) as 148 days is incorrect. Patentee errs in excluding periods of applicant delay as overlapping with the B delay. B delay is 410 days. There are no periods of *Office delay* which overlap with the B delay. (The 142 days accorded at issuance was for B delay. The 142 days is being removed and corrected to 410 days). As such, the patent term adjustment is 406 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 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 **four hundred six (406)** 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 : 7,485,296 B2

DATED : **February 3, 2009** **DRAFT**

INVENTOR(S) : Reiter 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 138 days

Delete the phrase "by 138 days" and insert – by 406 days--

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CONNOLLY, BOVE, LODGE & HUTZ LLP
P.O. Box 2207
Wilmington, Delaware 19889

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OFFICE OF PETITIONS

In re Application of :
Wolfgang A. HERRMANN et al :
Application No. 11/021,967 : DECISION ON PETITION
Filed: December 23, 2004 :
Attorney Docket No. 09994-00020-US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 7, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fees on or before October 9, 2007 as required by the Notice of Allowance and Fee(s) Due, mailed July 9, 2007. Accordingly, the date of abandonment of this application is October 10, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1400.00 (2) the petition fee of $1500.00; and (3) a proper statement of unintentional delay. The overpayment of the publication fee of $300.00 is being refunded by Treasury Check as it is not required.

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

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future

correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-0602.

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

Thurman K. Page
Petitions Examiner
Office of Petitions

Cc: ASHLEY I PEZZNER
C/O CONNOLLY, BOVE, LODGE & HUTZ LLP
1007 North Orange Street
P.O. Box 2207
Wilmington, Delaware 19889-2207

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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	:	
Brian R. **WILLIAMS**, et al.	:	
Application No. 11/021,972	:	DECISION ON PETITION
Filed: December 22, 2004	:	TO WITHDRAW
Attorney Docket No. TUS0384	:	FROM RECORD
	:	

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

The request is **APPROVED**.

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

The request was signed by Thomas P. Liniak. Thomas P. Liniak has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged. There is an outstanding Office action mailed June 5, 2006 that requires a reply from the applicant.

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

David Bucci
Petitions Examiner
Office of Petitions

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KAMRATH & ASSOCIATES, P.A.
4825 OLSON MEMORIAL HIGHWAY
SUITE 245
GOLDEN VALLEY, MN 55422

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In re Application of :
Richard Jerome Schoeneck :
Application No. 11/021,976 : ON PETITION
Filed: December 22, 2004 :
Attorney Docket No. 20060564 (27644.21) :

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

The application became abandoned for failure to timely respond to the Restriction/Election Requirement mailed April 25, 2007. A Notice of Abandonment was mailed on January 16, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election and an amendment; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 3721 for review of the response filed on October 29, 2008.

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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700 W. 47TH STREET
SUITE 1000
KANSAS CITY MO 64112-1802

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OFFICE OF PETITIONS

Applicant: Xie
Appl. No.: 11/021,984
Filing Date: December 23, 2004
Title: USE OF BMP (BAM) SIGNALING TO CONTROL STEM CELL FATE DETERMINATION
Attorney Docket No.: 65418
Pub. No.: US 2005/0227352 A1
Pub. Date: October 13, 2005

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

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors, as in claim 74, the phrase "nucleic acid sequence encoding bam" is misprinted as "nucleic acid sequence encoding barn"; as in claim 81, the phrase "the expression of bar by a substantial" is misprinted as "the expression of bam by a substantial" and in claim 87 the phrase "the germline stem cells" is misprinted as "the geimline stem cells".

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

The typographical errors noted by requestor in claim 74, 81 and 87 are not material Office errors under 37 CFR 1.221. The typographical errors noted by requestor are minor typographical errors, which are clear from reading the claims. The errors are typographical errors, which are clearly understandable to one of ordinary skill in the art in reading the application and claims.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

Applicants have been advised to file applications having larger text, which is cleaner and with sufficient clarity and contrast to permit reproduction to avoid errors in the patent application publication process. See 37 CFR 1.52. When, the text in the application is small (less than 12 pt font) and close together, which makes it blurry and not as clear, it also makes it difficult to read and to electronically reproduce by digital imaging and optical character recognition.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions or request for reconsideration of the decision, should be addressed as follows:

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

By facsimile: 571-273-8300

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

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

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RICHARD C. CALDERWOOD
2775 NW 126TH AVE
PORTLAND, OR 97229-8381

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OFFICE OF PETITIONS

In re Application of
Patrick M. Turnmire, et al.
Application No. 11/022,027
Filed: December 24, 2004
Attorney Docket No. STEP007D1

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed December 21, 2006.

The petition is **GRANTED**.

The application became abandoned for failure to pay the issue fee on or before December 14, 2006. This decision precedes the mailing of a Notice of Abandonment. On December 21, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $700 issue fee and the $300 publication fee; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay.

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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3 WORLD FINANCIAL CENTER
NEW YORK NY 10281-2101

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OFFICE OF PETITIONS

In re Application of :
Tokita, Toshinobi :
Application No. 11/022,033 : ON PETITION
Filed: December 23, 2004 :
Attorney Docket No. 1232-5571 :

This is a decision on the petition filed June 27, 2005, requesting that the above-identified application be accorded a filing date of December 23, 2004, rather than the presently accorded date of December 24, 2004. The petition is properly treated as a petition under 37 CFR 1.10(d).

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 23, 2004 pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV 498833320 US showing an incorrect handwritten "date-in" of "December 24, 2004" as well as a "December 23, 2004" USPS receipt stamp. The Express Mail label number appears on the Certificate of Mailing by "Express Mail" and includes a statement of express mailing dated December 23, 2004 on the cover page for the application papers. Additionally, applicant has submitted copy of the Track & Confirm record showing that the package in question was accepted on December 23, 2004, at 6:44 p.m. in New York, NY.

The above-listed Express Mail receipt number does not appear on the front page of the original "Utility Application and Fee Transmittal." It is listed as EV 498863320 US. However, the correct Express Mail receipt number is properly listed on the subsequent transmittal pages.

Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on December 23, 2004.

The petition is **GRANTED**.

A petition under 37 CFR 1.10(d) does not require a petition fee and none has been charged.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of December 23, 2004, along with a corrected filing receipt.** Thereafter, the matter will be referred to Technology Center 2800 for examination in due course.

Telephone inquiries concerning this matter may be directed Paralegal Liana Chase at (571) 272-3206.

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

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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ADELI & TOLLEN, LLP
11940 San Vicente Blvd., Suite 100
LOS ANGELES, CA 90049

Mail Date: 04/21/2010

Applicant	: Glenn Reid	: DECISION ON REQUEST FOR
Patent Number	: 7629984	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/022,046	: 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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WOODCOCK WASHBURN LLP
CIRA CENTRE 12th Floor
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

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JUN 13 2007

OFFICE OF PETITIONS

In re Application of :
ALAMOUTI, Siavash et al. :
Application No. 11/022,048 : DECISION ON PETITION
Filed: December 22, 2004 : TO WITHDRAW
Attorney Docket No. **CING-0514/702.US.C1(2)** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 22, 2006.

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

A review of the file record indicates that the power of attorney to Woodcock Washburn LLP has been revoked by the assignee of the patent application on April 06, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **POWELL GOLDSTEIN, LLP**
901 NEW YORK AVENUE, N.W.
3RD FLOOR
WASHINGTON, DC 20001-4413

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United States Patent and Trademark Office
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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
11/022,048	12/22/2004	Siavash Alamouti	101948031US3

CONFIRMATION NO. 4348

OC000000024249807

67677
POWELL GOLDSTEIN, LLP
901 NEW YORK AVENUE, N.W.
3RD FLOOR
WASHINGTON, DC 20001-4413

Date Mailed: 06/06/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/06/2007.

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.

Michelle R. Sauer

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/022,048	12/22/2004	Siavash Alamouti	101948031US3

CONFIRMATION NO. 4348

OC000000024249791

54499
WOODCOCK WASHBURN LLP
CIRA CENTRE 12th Floor
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

Date Mailed: 06/06/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/06/2007.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Michelle R. Eason

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

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March 15, 2007

James H. Morris
WOLF, GREENFIELD & SACKS, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston, MA 02210-2206

Patent No.: 7176759 B2
Application No.: 11/022050
Inventor(s): Joos et al.
Issued: February 13, 2007
Title: **DIFFERENTIAL LOW NOSIE AMPLIFIER WITH LOW POWER CONSUMPTION**

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

Virginia Tolbert
For Cecelia Newman
Decisions & Certificate of Correction Branch
(703) 305-8309 or (703) **308-9390 ext 113**

vt

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 & SACKS, P.C.
FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

COPY MAILED

FEB 29 2008

OFFICE OF PETITIONS

In re Patent No. 7,176,759 :
Issue Date: February 13, 2007 :
Application No. 11/022,050 : ON PETITION
Filed: December 23, 2004 :
Attorney Docket No. S1022.81201US00 :

This is a decision on the petition filed April 2, 2007, which is being treated as a petition under 37 CFR 3.81(b)[1] to correct the assignees' name on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **granted.**

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3210. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This application is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Irvin Dingle
Petitions Examiner
Office of Petitions

[1] See Official Gazette of June 22, 2004

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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
11/022,055	12/22/2004	1645	3370	UMY-097	11	51	7

CONFIRMATION NO. 4337

00959
LAHIVE & COCKFIELD, LLP.
28 STATE STREET
BOSTON, MA 02109

UPDATED FILING RECEIPT

OC000000017883367

Date Mailed: 01/20/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Phillip D. Zamore, Northboro, MA;
Dianne Schwarz, Westborough, MA;

Assignment For Published Patent Application

UNIVERSITY OF MASSACHUSETTS, Boston, MA

Power of Attorney: The patent practitioners associated with Customer Number **00959**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 06/06/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/022,055

Projected Publication Date: 06/22/2006

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Methods and compositions for enhancing the efficacy and specificity of single and double blunt-ended siRNA

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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

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Paper No.

FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE
CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

COPY MAILED

OCT 2 8 2008

OFFICE OF PETITIONS

In re Patent No. 7,282,493	:	
Adams et al.	:	DECISION ON LETTER
Issue Date: October 16, 2007	:	REGARDING
Application No. 11/022,057	:	PATENT TERM ADJUSTMENT
Filed: December 23, 2004	:	and
Attorney Docket No.	:	NOTICE OF INTENT TO ISSUE
IPX-006.01	:	CERTIFICATE OF CORRECTION

This is a decision on the "LETTER REGARDING PATENT TERM ADJUSTMENT AND REQUEST FOR CERTIFICATE OF CORRECTION OF OFFICE MISTAKE" filed on December 14, 2007. The letter is being construed as a letter filed pursuant to patentees' duty of good faith and candor, patentees request that the Patent Term Adjustment for the above-identified patent be reduced from 212 days to 75 or 76 days.

The request for reconsideration of the patent term adjustment indicated in the patent is **GRANTED in part**.

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 seventy-six (76) days.

On October 16, 2007, the above-identified application matured into U.S. Patent No. 7,282,493. The instant letter regarding patent term adjustment was timely filed on December 14, 2007, within 2 months of the date the patent issued. See § 1.705(d).

The Patent issued with a revised Patent Term Adjustment of two hundred twelve (212) days based on an adjustment for PTO delay of two hundred fifty-five (255) days reduced by applicant delay of forty-three (43) days.

This period was calculated as follows: A delay of 245 days pursuant to 35 U.S.C. § 154(b)(1)(A)(i) and 37 CFR 1.703(a)(1) for failure to mail an action under 35 U.S.C. § 132 or a notice of allowance within fourteen months of the date on which the application was filed, and a delay of 10 days for failure to issue the patent within four (4) months after the date the issue fee was paid pursuant to 35 U.S.C. § 154(b)(1)(A)(iv) and 37 CFR 1.703(a)(4). This period was reduced by three (3) days for filing a response to a non-final office action on January 29, 2007, three (3) months and three (3) days after the mailing of a non-final office action on October 26, 2006, and by 40 days pursuant to 37 CFR 1.704(c)(10) for the filing of corrected drawings on September 7, 2007 after the mailing of a notice of allowance, 40 days prior to the issuance of the patent.

Patentee asserts, in view of its duty of good faith and candor, that the patent term adjustment should be reduced by 36 days under 37 CFR 1.704(c)(8) for the filing of an supplemental reply in the form of an information disclosure statement filed on March 6, 2007, or 36 days, after the filing on January 29, 2007, of a response to a non-final office action.

Patentee further asserts, in view of its duty of good faith and candor, that the patent term adjustment should be reduced by 100 days for the filing of a miscellaneous incoming paper filed after the mailing of a notice of allowance under 37 CFR 1.704(c)(10). Specifically, patentee asserts that a request for refund was filed on March 21, 2007, after the mailing of a notice of allowance on March 7, 2007. On June 28, 2007, a refund of the requested amount was posted in Office financial records.

37 CFR 1.704 states, in pertinent part:

> (c) 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:
>
> (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;
>
> (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; and

Patentee's arguments are well taken. The IDS filed on March 6, 2007, was filed 36 days after the filing of the response filed on January 29, 2007. Accordingly, the patent term adjustment will be reduced by 36 days pursuant to 37 CFR 1.704(c)(8). Additionally, the request for refund filed on March 21, 2007 was filed after the mailing of a notice of allowance. On June 28, 2007, the refund was posted in Office financial records. Accordingly, a reduction in patent term adjustment of 100 days pursuant to 37 CFR 1.704(c)(10) is warranted.

In view thereof, the correct determination of PTA at the time of the issuance of the patent is seventy-six (76) days (255 days of PTO delay, reduced by 179 (3+36+100+40) days of Applicant delay). To the extent that applicants are aware of any specific error in the PTA calculation, applicants should so advise the Office.

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 application file is being forwarded to the Certificate of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a Certificate of Correction indicating that the term of the above-identified patent is extended or adjusted by SEVENTY-SIX (76) days.

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

Encl: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,282,493 B2

DATED : October 16, 2007

INVENTOR(S) : Julian Adams

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 (212) days

Delete the phrase "by 212 days" and insert – by 76 days--

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8/26/09

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/022,057 Patent No.: 7,282,493

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

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

Thank You For Your Assistance

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

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

Comments: _____

1624

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SEP 14 2009

OFFICE OF PETITIONS

K&L GATES LLP
535 SMITHFIELD STREET
PITTSBURGH PA 15222

In re Application of :
Sooklal :
Application No. 11/022,085 :
Filed: December 22, 2004 :
Attorney Docket No. 040761 :
:

ON APPLICATION FOR
PATENT TERM ADJUSTMENT

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT" filed July 20, 2009. This petition is properly treated under 37 C.F.R. §1.705(b). Applicants submit that the correct patent term adjustment to be indicated on the patent is one thousand nine (1,009) days, not six hundred seventeen (617) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

---

[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 matter should be directed to Petitions Attorney Charlema Grant at (571) 272-3215.

Christina Tartera Donnell for

Kery Fries
Senior Legal Advisor Attorney
Office of Patent Legal Administration

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

In re Application of
Demuth et al.
Application No. 11/022087
Filing or 371(c) Date: 12/22/2004
Attorney Docket Number:
24611/16-CON

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OCT 15 2007

OFFICE OF PETITIONS

ON PETITION

This is a decision on the "Petititon to Revive Under 37 C.F.R. § 1.181(a)," filed August 28, 2007. The petition is properly treated as a petition to withdraw the holding of abandonment based on evidence that a timely reply was filed. Accord MPEP 711.03(c)B.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Office communication, mailed August 18, 2007. The Office communication set a one (1) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No response having been received, the application became abandoned September 19, 2007. A Notice of Abandonment was mailed July 9, 2007.

Applicant's Assertion

Applicant files the instant petition and asserts that a timely response to the Office communication, including a three (3) month extension of time request and fee, was filed on December 18, 2007. In support of this assertion applicant files a copy of the response, along with a copy of his return-receipt postcard which acknowledges receipt by this Office the response on December 18, 2006.

A review of Office records also reveals that the Office received a "Request for Three-Month Time Extension and Response to Restriction Requirement," on December 18, 2006. Office finance records confirm that the fee for a three 3) month extension of time was received on December 18, 2006.

In View of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 1646 for processing of the Response, and for continued examination in due course.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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: 04/30/2010

Applicant	: Christoph P. Vigelius	: DECISION ON REQUEST FOR
Patent Number	: 7617483	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/022,090	: 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 **1070** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Alexandria, VA 22313-1450
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MAY 09 2008

OFFICE OF PETITIONS

HODGSON RUSS LLP
THE GUARANTY BUILDING
140 PEARL STREET, SUITE 100
BUFFALO, NY 14202-4040

In re Application of :
Steve N. Slilaty :
Application No. 11/022,102 : ON PETITION
Filed: December 23, 2004 :
Attorney Docket No. 41071.0003

This is a decision on the petition, filed May 8, 2008 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 7, 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 1639 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

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5111 MEMORIAL HIGHWAY
TAMPA FL 33634-7356

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MAY 11 2005

OFFICE OF PETITIONS

In re Application of :
Wilfried Bien et al. :
Application No. 11/022,104 : DECISION GRANTING PETITION
Filed: December 23, 2004 :
Attorney Docket No. 3926.118 :

This is a decision on the petition filed April 11, 2005, in response to the Notice of Incomplete Nonprovisional Application mailed March 11, 2005, requesting that the above identified application be accorded a filing date of December 23, 2004. The petition is treated under 37 CFR 1.53.

The "Notice of Incomplete Nonprovisional Application" mailed March 11, 2005 by the Office of Initial Patent Examination, indicated that the application had not been accorded a filing date because the application was deposited without drawings and that the filing date of the application would be the date of receipt of the drawings.

In response, the present petition, and 2 sheets of drawings were filed. Petitioners argue that 2 sheets of drawings were filed with the other application papers on December 23, 2004. In support of the petition, a copy of petitioner's postcard receipt which shows an official USPTO date-stamp of December 23, 2004, and the above-identified application number, and acknowledges receipt of, *inter alia*, 2 sheets of drawings, was supplied with the present petition. Petitioner requests that the application, including 2 sheets of drawings, be accorded a filing date of December 23, 2004.

Upon review of the record, no sheets of drawings deposited on December 23, 2004, have been located among the application papers. However, the evidence is convincing that the application papers deposited on December 23, 2004, included 2 sheets of drawings, which were subsequently misplaced in the USPTO. Therefore, the application, including the 2 sheets of drawings, was complete on filing and entitled to a filing date of December 23, 2004.

In view of the above, the petition is **GRANTED**.

The Notice of Incomplete Nonprovisional Application mailed February 17, 2005 is

withdrawn. Therefore, no petition fee is due and none has been charged.

This matter is being referred to the Office of Initial Patent Examination for processing with a filing date of December 23, 2004, using the application papers filed on December 23, 2004 and the 2 sheets of drawings supplied on April 11, 2005.

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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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

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OCT 0 2 2006

OFFICE OF PETITIONS

Applicant: Wisch et al.
Appl. No.: 11/022,114
Filing Date: December 23, 2004
Title: LIFTING DEVICE FOR A LUGGAGE COMPARTMENT IN AN AIRCRAFT, AS WELL AS AIRCRAFT WITH A LIFTING DEVICE FOR A LUGGAGE COMPARTMENT
Attorney Docket No.: P/4348-37
Pub. No.: US 2005/0211834 A1
Pub. Date: September 29, 2005

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 5, 2005, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors, the order of paragraphs [0001] and [0002] have been improperly reversed by the Office. Applicant put the "Field of the Invention" before the "Background of the Invention" and the Office published the paragraph for the "Background of the Invention" first.

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

The request for corrected publication received on December 5, 2005, was not timely filed under 37 CFR 1.221(b).

The error noted by requestor wherein the Office changed the order of the first and second paragraph and placed the "Background of the Invention" before the "Field of the Invention" is an Office error but the mistake is not a material error under 37 CFR 1.221(b). The mistake is a typesetting error as the publisher changed the order of the first and second paragraphs to follow

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

the preferred order of paragraphs pursuant to 37 CFR 1.77 and MPEP 608.01(a). The change in the order of the first and second paragraph does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions or request for reconsideration of the decision, should be addressed as follows:

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

By facsimile: 571-273-8300

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MD 200-9
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MAY 25 2006

OFFICE OF PETITIONS

In re Application of :
Anthony R.H. Goodwin et al :
Application No. 11/022,142 : DECISION GRANTING PETITION
Filed: December 23, 2004 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 20.2912CIP :

This is a decision on the petition under 37 CFR 1.137(b), filed March 7, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Restriction Requirement of July 26, 2005, 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). Accordingly, since the $120 extension of time submitted with the petition on March 7, 2006, was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the Office of Finance, Refund Section. A copy of this decision should accompany petitioner's request.

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

This matter is being referred to Technology Center AU 2856.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Bozicevic, Field & Francis, LLP
1900 University Avenue, Suite 200
East Palo Alto, CA 94303

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OFFICE OF PETITIONS

In re Application of :
Michael S. McGrath :
Application No. 11/022,153 : DECISION ON PETITION
Filed: December 22, 2004 : TO WITHDRAW
Attorney Docket No. PATH-002/03US 307105-2053 : 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 3, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Nan Wu does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Nan Wu
Fish & Richardson, P.C.
225 Franklin Street
Boston, MA 02110

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Paper No. None

CAROL M. NIELSEN
WINSTEAD SECHREST & MINICK, P.C.
919 MILAM STREET
SUITE 2400
HOUSTON TX 77002

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OFFICE OF PETITIONS

In re Application of	:	
Daniel Sigg et al.	:	
Application No. 11/022,172	:	DECISION ON PETITION UNDER
Filing Date: December 22, 2004	:	37 C.F.R. §1.182
Attorney Docket Number:	:	
42173/P002US (P11405)	:	
Title: METHODS OF USING HCN	:	
GENES TO TREAT CARDIAC	:	
ARRHYTHMIAS	:	

This is a decision on the petition filed November 3, 2006, requesting that the above-identified application, including a compact disc containing a computer readable form, be accorded a filing date of December 22, 2004 as part of the original disclosure.

The application was deposited on December 22, 2004. However, on September 22, 2006, the Office of Initial Patent Examination (OIPE) mailed a "Notice to Comply with Requirements for Patent Applications containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures - Filing Date Granted" (notice), stating that the application had been accorded a filing date of December 22, 2004, and that it appeared that the application had been deposited without a copy of the sequence listing in computer readable form (CRF). The notice indicated that a CRF copy of the sequence listing would be required, along with a statement that the content of the sequence listing information recorded in CRF

is identical to the CRF sequence listing provided on filing. The notice set a two-month period for reply.

In response, on November 3, 2006, applicant filed the present petition. The petition is further accompanied by an assertion that both a hard copy and a machine-readable form of the sequence listing on compact disc were provided on filing. A copy of applicant's return receipt postcard has also been provided, which indicates that "gene sequence," "computer readable (2)" and "paper copy" were received in the United States Patent and Trademark Office (Office) on December 22, 2004. Applicants request that the compact disc containing the CRF which was purportedly submitted with the present application on filing be accorded a filing date of December 22, 2004.

The electronic file has been reviewed, and it does not appear that the compact disc was received. Nevertheless, the evidence is convincing that the application papers deposited on December 22, 2004 included the compact disc in question, and the compact disc was subsequently misplaced in the Office.

However, it does not appear that a copy of this compact disc was provided with the present petition. As such, there is no compact disc to enter into the file. Since it does not appear that Petitioner has supplied a copy of the compact disc, even if this petition were to be granted, the file would still be incomplete since as of the mailing of this decision, the compact disc has not been provided.

It follows that this petition must be **DISMISSED**.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. 1.182." This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[1], hand-delivery[2], or facsimile[3].

---

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300- please note this is a central facsimile number.

On renewed petition, Petitioner may wish to consider submitting a copy of the compact disc, along with a statement that the content of the sequence listing information recorded in CRF is identical to the CRF sequence listing provided on filing.

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[4]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

4 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for further action(s) of Petitioner.

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Paper No. None

CAROL M. NIELSEN
WINSTEAD SECHREST & MINICK, P.C.
919 MILAM STREET
SUITE 2400
HOUSTON TX 77002

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MAY 08 2007

OFFICE OF PETITIONS

In re Application of :
Daniel Sigg et al. :
Application No. 11/022,172 : DECISION ON RENEWED PETITION
Filing Date: December 22, 2004 : UNDER 37 C.F.R. §1.182
Attorney Docket Number: :
42173/P002US (P11405) :
Title: METHODS OF USING HCN :
GENES TO TREAT CARDIAC :
ARRHYTHMIAS :

This is a decision on the renewed petition filed March 26, 2007, requesting that the above-identified application, including a compact disc containing a computer readable form, be accorded a filing date of December 22, 2004 as part of the original disclosure.

The application was deposited on December 22, 2004. However, on September 22, 2006, the Office of Initial Patent Examination (OIPE) mailed a "Notice to Comply with Requirements for Patent Applications containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures - Filing Date Granted" (notice), stating that the application had been accorded a filing date of December 22, 2004, and that it appeared that the application had been deposited without a copy of the sequence listing in computer readable form (CRF). The notice indicated that a CRF copy of the sequence listing would be required, along with a statement that the content of the sequence listing information recorded in CRF

is identical to the CRF sequence listing provided on filing. The notice set a two-month period for reply.

The original petition was filed on November 3, 2006, and was dismissed via the mailing of a decision on March 5, 2007.

The original petition established that the application papers deposited on December 22, 2004 included the compact disc in question, and the compact disc was subsequently misplaced in the Office. The decision indicated:

> However, it does not appear that a copy of this compact disc was provided with the present petition (emphasis included). As such, there is no compact disc to enter into the file. Since it does not appear that Petitioner has supplied a copy of the compact disc, even if this petition were to be granted, the file would still be incomplete since as of the mailing of this decision, the compact disc has not been provided.

With this renewed petition, Petitioner has submitted a copy of this compact disc. Consequently, this renewed petition is **GRANTED**.

It is noted that the Computer Readable Form contains alphanumeric headings in the sequences.

The Office of Initial Patent Examination (OIPE) will be notified of this decision so that the application may receive further processing. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[1]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

---

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for further action(s) of Petitioner.

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120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

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OFFICE OF PETITIONS

In re Application of:	:	
Nickerson et al.	:	
Application No. 11/022,179	:	DECISION DISMISSING
Filed: December 23, 2004	:	PETITION UNDER
Title of Invention: MODULAR AND	:	37 CFR 1.47(a)
EXPANDABLE IRRIGATION CONTROLLER	:	

This is in response to the Petition under 37 CFR 1.47(a), filed August 22, 2005, and supplemented with an executed oath or declaration filed August 26, 2005, noting the joinder of the inventor.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is not necessary and the Reconsideration of Petition is considered to be moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

The Declaration has been entered and made of record.

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

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

Derek L. Woods
Petitions Attorney
Office of Petitions

17 MAR 2006

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Commissioner for Patents
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Alexandria, VA 22313-1450
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AGILENT TECHNOLOGIES, INC.
INTELLECTUAL PROPERTY ADMINISTRATION, LEGAL DEPT.
P.O. BOX 7599
M/S DL429
LOVELAND CO 80537-0599

In re Application of	:
GORDON et al.	:
Application No. 11/022,183	: DECISION ON PETITION
Filed: December 23, 2004	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 10980359-12	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed 09 June 2005 accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

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

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

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(I) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional applications has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR

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

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

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

Any inquiries concerning this decision may be directed to Cynthia Kratz at (571) 272-3286. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 2673 for appropriate action on the amendment filed 09 June 2005, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional applications.

Boris Milef
Legal Examiner
Office of Petitions and
PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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VISTA IP LAW GROUP LLP
12930 Saratoga Avenue
Suite D-2
Saratoga, CA 95070

Mail Date: 04/21/2010

Applicant	: Michael P. Wallace	: DECISION ON REQUEST FOR
Patent Number	: 7608089	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/022,189	: 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 **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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UNITED STATES DEPARTMENT OF COMMERCE
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THE LAW OFFICE OF KIRK D. WILLIAMS
PO BOX 39425
DENVER, CO 80239-0425

Mail Date: 04/21/2010

Applicant	: Doron Shoham	: DECISION ON REQUEST FOR
Patent Number	: 7599381	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/022,220	: 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 **1057** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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AND CREW, LLP
TWO EMBARDADERO CENTER/8TH FLOOR
SAN FRANCISCO, CA 94111-3834

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MAR 16 2005

OFFICE OF PETITIONS

In re Application of :
Iwamura :
Application No. 11/022,241 : DECISION ON PETITION
Filed: 16 February, 2005 :
Attorney Docket No. 16869V-138300US :

This is a decision on the petition under 37 C.F.R. §1.53 and §1.182, filed on 16 February, 2005, requesting that the application be given the filing date of the submission of new Figs. 1 - 25, *i.e.*, 16 February, 2005, and with those new Figs. 1 - 25, rather than the presently accorded date of 23 December, 2004, without those new figures but with old Figs. 1 - 17.

The petition is **GRANTED**.

The application was deposited on 23 September, 2004.

On 9 February, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Items" and therein indicated, *inter alia*, that Figs. 18 - 25 as described in the specification appeared to be omitted from the application. The Notice informed Petitioner that the alternatives available were to: (a) petition contending that the application was deposited with the drawings; (b) file the drawings and accept their deposit date as the filing date of the application; or (c) prosecute the application as originally deposited.

On 16 February, 2005, Petitioner replied to the Notice, *inter alia*, with the instant petition along with a copy of new Figs. 1 - 25, indicated that the previously deposited drawings (1 - 17) were wholly unrelated to the instant application, and elected to ask the Office "to accord a later filing date"–*i.e.*, 16 February, 2005–as the filing date of the application with the newly submitted Figs. 1 - 25.

The petition is **granted**.

The application is being forwarded to OIPE for further processing with a filing date of 16 February, 2005, using:

- **pages 1 - 73 of the specification (description, claims, abstract) deposited on 23 December, 2004; and**

- **Figs. 1 - 25 deposited on 16 February, 2005; and**

with direction to OIPE to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 16 February, 2005, and reflecting therein that 73 pages of specification (description, claims and abstract) and 24 sheets of formal drawings (Figs. 1 - 25) were present on filing.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3214.

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

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900 RIDGE ROAD
P.O. BOX 368
RIDGEFIELD, CT 06877-0368

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OFFICE OF PETITIONS

In re Application of
Michael **ROOF, et al.**
Application No. 11/022,262
Filed: December 23, 2004
Attorney Docket No. **35241**

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(6), filed November 19, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

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

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

This pending nonprovisional application was filed on December 23, 2004, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/611,824, which was filed on December 21, 2004, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

However, the amendment 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).

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement, are required.

As authorized, the $1410 fee required by 37 CFR 1.78(a)(6)(ii) has been charged to petitioner's Deposit Account No. 50-1662.

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 Monica A. Graves at (571) 272-7253.

Thurman K. Page
Petitions Examiner
Office of Petitions

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RIDGEFIELD, CT 06877-0368

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OFFICE OF PETITIONS

In re Application of	:	
Michael **ROOF, et al.**	:	
Application No. 11/022,262	:	DECISION ON PETITION
Filed: December 23, 2004	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 35241	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed May 5, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

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

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

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

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

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be

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

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

Any inquiries concerning this decision may be directed to Monica A. Graves at (571) 272-7253. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 1648 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

Thurman K. Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/022,262	12/23/2004	1648	1130	35241	12	1

CONFIRMATION NO. 6004

CORRECTED FILING RECEIPT

28516
MICHAEL P. MORRIS
BOEHRINGER INGELHEIM USA CORPORATION
900 RIDGEBURY RD
P O BOX 368
RIDGEFIELD, CT 06877-0368

Date Mailed: 05/06/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Michael Roof, Ames, IA;
Eric Vaughn, Ames, IA;
Wesley Johnson, Ames, IA;

Assignment For Published Patent Application

Boehringer Ingelheim Vetmedica, Inc.

Power of Attorney:
Tracey Truitt--43205

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/611,824 09/21/2004

Foreign Applications

If Required, Foreign Filing License Granted: 06/13/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/022,262**

Projected Publication Date: 07/16/2009

Non-Publication Request: No

Early Publication Request: No

Title

Porcine reproductive and respiratory syndrome isolates and methods of use

Preliminary Class

435

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

In re Application :
Michael Roof et al. :
Application No. 11/022,262 : DECISION ON APPLICATION
Filed: December 23, 2004 : FOR PATENT TERM ADJUSTMENT
Attorney Docket No. **10-0064** :

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT filed August 26, 2009. Applicant requests that the determination of patent term adjustment be corrected from 91 days to 737 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).

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within three years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the of the patent term adjustment concerning those regulations until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for

continued examination) is premature. Accordingly, it is appropriate to dismiss such a request as premature.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee.[1]

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within two months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

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

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

/Kery A.Fries/

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

---

[1] For example, if applicants dispute both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed, and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicants must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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OFFICE OF PETITIONS

In re Patent No. 7,632,636
Issued: December 15, 2009
Application No. 11/022,262
Filed: December 23, 2004
Attorney Docket No. 10-0064

: DECISION ON REQUEST
: FOR RECONSIDERATION
: OF PATENT TERM ADJUSTMENT
: AND
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the APPLICATION FOR PATENT TERM ADJUSTMENT filed on January 28, 2010, requesting that the patent term adjustment indicated on the above-identified patent be corrected from 662 days to 738 days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent, considering the 76 days of overlap, is adjusted by seven hundred thirty-eight (738) days and is **GRANTED**.

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

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **seven hundred thirty-eight (738)** days.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

/Kery A. Fries/

Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Associate Commissioner
for Patent Examination Policy

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,632,636 B2

DATED : December 15, 2009

INVENTOR(S) : Michael Roof

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 (662) days

Delete the phrase "by 662 days" and insert – by 738 days--

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Mail Date: 04/27/2010

Applicant	: Michael Roof	: DECISION ON REQUEST FOR
Patent Number	: 7632636	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/022,262	: 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 **814** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 01 2007

TECHNOLOGY CENTER 3600

RAGGIO & DINNIN, P.C.
2701 CAMBRIDGE COURT, STE. 410
AUBURN HILLS MI 48326

In re Application of :
SHAN CONG, et al. : DECISION ON PETITION
SERIAL NO.: 11/022,265 : UNDER 37 CFR 1.144
FILED: December 24, 2004 :
FOR: ROAD CURVATURE ESTIMATE SYSTEM

This is a decision on the petition filed March 15, 2007 under 37 CFR 1.181 to invoke the supervisory authority of the Commissioner to withdraw the restriction requirement of the office action mailed November 28, 2006 and made final in the office action mailed February 15, 2007.

The Petition is **GRANTED** to the extent indicated below.

On November 28, 2006 a restriction was made identifying 5 Groups of inventions:
(I) claims 1-6, (II) claims 7-8, (III) claims 9-10, (IV) claims 11-14, (V) claims 15-19.
Applicant elected with traverse Group (V), claims 15-19.

Petitioner argues that there would be no serious burden to examine all of the groups of claims together without making a restriction. Particularly, petitioner argues that all 5 groups would properly have the same classification. Additionally petitioner argues that diverse status in the art for the groups has not been established.

A close review of the claims in the 5 restricted groups reveals that groups IV and V have unique claim limitations when compared to groups (I), (II), (III) and that these limitations would cause the examiner serious search and examination burden if restriction were not required because:
(a) different search queries would be employed in a text based searches
(b) the prior art applicable to one invention would not likely be applicable to another invention.
Groups (I), (II), (III) are drawn to particulars of road curvature estimation relating to sensors and filters, whereas Group (IV) is concerned with a plurality of roadway models and Group (V) is concerned with fusing 3 road curvature estimation subsystems.

As a consequence, claims 1-10 from Groups I, II, and III need to be rejoined into a single Group I/II/III, however; new Group I/II/III and Groups IV and V appear to require separate search/examination burdens.

The current restriction requirement is withdrawn.

The application is being returned to the examiner to reconsider his restriction requirement. If the examiner wishes to persist in restricting the claims, he will make a new restriction requirement and permit a new election. Any new restriction will provide:

(a) a rejoinder of the claims 1-10 into a single group

(b) a reconsideration of the basis for restriction (subcombinations usable together) taking into account a possible reformulation in light of petitioner's item 5 on page 5 which alleges that the inventions of groups I-IV are examples of different embodiments of the claim 15 (Group V) limitation "a first road curvature estimation subsystem..." .

Any questions regarding this decision should be directed to Thomas H. Tarcza at (571) 272-6979.

Donald T. Hajec
Director, T.C. 3600
571-272-6979

tht/snm: 7-26-2007

SNM

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MAR 24 2009

OFFICE OF PETITIONS

RAGGIO & DINNIN, P.C.
2701 CAMBRIDGE COURT, STE. 410
AUBURN HILLS MI 48326

In re Application of :
Cong, et al. : DECISION ON APPLICATION
Application No. 11/022,265 : FOR PATENT TERM ADJUSTMENT
Filed: December 24, 2004 :
Atty. Dkt. No.: 5701-01269 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705," filed January 31, 2008. This matter is being properly treated under 37 CFR 1.705(b) as an application for patent term adjustment.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is hereby DISMISSED IN PART and HELD IN ABEYANCE IN PART.

The correct determination of PTA at the time of the mailing of the Notice of Allowance is 277 days.

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b), mailed October 31, 2007, indicated a patent term adjustment (PTA) to date of 277 days. The instant application for PTA was timely filed January 31, 2008. Applicants argue that the application is entitled to an overall adjustment of 341 days.

Applicants do not contest the adjustment to date of 277 days.

Applicants argue that the application is entitled to an additional adjustment of 61 days in connection with the decision on petition mailed August 1, 2007 in response to the petition filed March 15, 2007.

Applicants' argument has been carefully considered, but is not found convincing. The submission of a petition does not invoke the four-month response period by the USPTO under 37 CFR 1.702(a)(2). Accordingly, the application is not entitled to further adjustment in connection with the mailing of the decision on petition on August 1, 2007.

Applicants also request that a determination under 37 CFR 1.702(b) be made once the issue date of the patent is established.

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 for Office failure to issue the patent within three years. *See*, 37 CFR 1.703(b).

Applicants are given **TWO (2) MONTHS** from the issue date of the patent to file a written request for reconsideration of the patent term adjustment for Office failure to issue the patent within three years. A copy of this decision should accompany the request. Applicants may seek such consideration without payment of an additional fee. However, as to all other bases for seeking reconsideration of the patent term adjustment indicated in the patent, all requirements of 37 CFR 1.705(d) must be met. Requests for reconsideration on other bases must be timely filed and must include payment of the required fee.

Applicants are reminded that if an application is entitled to an adjustment under 35 USC 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 USC 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 USC 154(b)(1)(B) in determining whether periods of delay overlap under 35 USC 154(b)(2)(A).

Thus, any days of delay for Office issuance of the patent more than three 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 USC 154(b)(1)(B), 35 USC 154(b)(2)(A), and 37 CFR § 1.703(f). *See, also, Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004).

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

The application file is being forwarded to the Office of Data Management for issuance of a patent.

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

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

Enclosure: Adjusted PAIR Calculation

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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
11/022,269	12/22/2004	3762	0.00	31184-702.501	7	26	4

CONFIRMATION NO. 3001

021971
WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 943041050

CORRECTED FILING RECEIPT

OC000000015622062

Date Mailed: 03/31/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

George Gary Coulter, Nashville, IN;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 10/746,685 12/29/2003

Foreign Applications

If Required, Foreign Filing License Granted: 02/09/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/022,269

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Apparatus for diminishing pain and/or hemorrhage caused by a therapeutic injection, body tissue sampling or injury

Preliminary Class

607

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

GRANTED

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

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

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

NOT GRANTED

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

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SMITH INTERNATIONAL PATENT APPLICATIONS
JEFFER, MANGELS, BUTLER &
MARMARO LLP
1900 AVENUE OF THE STARS, SEVENTH FLOOR
LOS ANGELES CA 90067

COPY MAILED

JUL 23 2008

OFFICE OF PETITIONS

In re Application of	:	
Ronald K. Eyre	:	
Application No. 11/022,271	:	DECISION GRANTING PETITION
Filed: December 22, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 63833-5060	:	

This is a decision on the petition filed July 22, 2008, which is being treated under 37 CFR 1.313(c)(2), to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 17, 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]

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

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

---

[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.*

This application is being referred to Technology Center AU 1794 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy
Petitions Examiner
Office of Petitions

cc:
OSHA LIANG LLP
1221 MCKINNEY ST., SUITE 2800
HOUSTON, TX 77010

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/022,271	12/22/2004	Ronald K. Eyre	63833-5060	3012

58688 7590 09/23/2008

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

EXAMINER	
TURNER, ARCHENE A	
ART UNIT	**PAPER NUMBER**
1794	

MAIL DATE	DELIVERY MODE
09/23/2008	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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9-23-08

WK

Mailed:

In re application of	:	
Ronald K. Eyre	:	DECISION ON
Serial No. 11/022,271	:	PETITION
Filed: December 22, 2004	:	
For: Thermally Stable Diamond Polycrystalline Diamond Constructions	:	

This is a decision on PETITION TO EXPUNGE UNDER 37 C.F.R. 1.59(b), filed July 22, 2008, which has been accepted as a timely petition under 1.59(b) and MPEP 724.02 and is before the Group Director of Technology Center for consideration.

DECISION

Petitioner requests that documents on the PTO/SB/08 form be expunged. The decision on the petition is dismissed because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with materiality being defined as any information the examiner considers as being important to a determination of patentability of the claims. During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material".

The petition is **DISMISSED**.

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

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

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OSHA, LIANG LLP/SMITH
TWO HOUSTON CENTER
909 FANNIN STREET, SUITE 3500
HOUSTON TX 77010

MAILED

AUG 12 2009

OFFICE OF PETITIONS

In re Application of
Ronald K. Eyre
Application No. 11/022,271
Filed: December 22, 2004
Attorney Docket No. 70239-00050

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 August 10, 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 July 1, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1794 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/022,271	12/22/2004	Ronald K. Eyre	70239-00050	3012

59977 7590 12/15/2009

OSHA, LIANG LLP / SMITH
TWO HOUSTON CENTER
909 FANNIN STREET, SUITE 3500
HOUSTON, TX 77010

EXAMINER	
TURNER, ARCHENE A	
ART UNIT	**PAPER NUMBER**
1794	

NOTIFICATION DATE	DELIVERY MODE
12/15/2009	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com
bergman@oshaliang.com

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wk

Mailed: 12/15/09

In re application of :
Ronald K. Eyre : DECISION ON
Serial No. 11/022,271 : PETITION
Filed: 12/22/2004 :
For: Thermally Stable Diamond Polycrystalline Diamond Constructions

This is a decision on a PETITION filed December 11, 2008, which has been accepted as a timely petition under 1.59(b) and MPEP 724.02 and is before the Group Director of Technology Center for consideration.

DECISION

Petitioner requests that the information submitted on December 11, 2008 be expunged after review and consideration by the Examiner. Each of the criteria for granting the request has been satisfied, see the MPEP 724.05.

The petition is **GRANTED.**

Section 1.59 has been amended to eliminate references to returning documents that have been expunged to recognize that, with electronic Official files, there will be nothing to return when a paper is expunged.

The Office is capturing electronic images of all documents that form the Official file. Where the image is generated from a physical source document, the originating document may be disposed of once the electronic image accuracy is verified. The paper source document will eventually be destroyed under a United States National Archives and Records Administration (NARA) approved schedule. Therefore, if a document is to be expunged from the record, the only operation that will be required will be removal of the image from the Official file.

Paragraph (a)(1) of §1.59 has been amended by deleting the phrase "and returned" from the first sentence, and deleting the second sentence. Paragraph (b) of §1.59 has been amended by deleting the phrase "and return" from each of the first and second sentences. The Office will continue to provide notice in the Official file that a paper has been expunged and the Office will send a decision to the applicant notifying the applicant that the paper has been expunged.

The images will be removed from the Official file.

/Jacqueline M. Stone/

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

Jeffrey S. Bergman
OSHA, LIANG LLP / SMITH
TWO HOUSTON CENTER
909 FANNIN STREET, SUITE 3500
HOUSTON TX 77010

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OSHA, LIANG LLP / SMITH
TWO HOUSTON CENTER
909 FANNIN STREET, SUITE 3500
HOUSTON, TX 77010

Mail Date: 04/20/2010

Applicant	: Ronald K. Eyre	: DECISION ON REQUEST FOR
Patent Number	: 7608333	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/022,271	: 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 **217** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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HOUSTON TX 77010

MAILED

JUN 2 2 2010

OFFICE OF PETITIONS

Enclosure: PETITION FOR ACCESS – OTHER CIRCUMSTANCES (37 CFR § 1.14(i))

Access Petition for *in re* application	:	
Ronald K. Eyre	:	
Application No. 11/022271	:	THREE
Filed: December 22, 2004	:	WEEK
US Patent No.: 7,608,333	:	LETTER
Issued: October 27, 2009	:	
Attorney Docket No. 05516/394002	:	

Title: THERMALLY STABLE DIAMOND POLYCRYSTALLINE DIAMOND CONSTRUCTIONS

A petition for access under 37 CFR 1.14(h) (now (i)) was filed by Ms. Michelle M. Le Cointe, from the firm of Baker Botts LLP, for access to specific papers presented by applicant and expunged by the Office in the 7,608,333 patent ('333 patent). The petition for access was filed on December 23, 2009; a duplicate copy of the petition is attached.[1]

A member of the public pursuant to 37 CFR 1.11(a) is entitled to the specification, drawings, and all papers relating to the file of an issued patent. However, if during prosecution papers are submitted and expunged, pursuant to 37 CFR 1.59 and MPEP 724, a member of the public does not have a right of access to expunged papers relating to the file history of an issued patent.

Petitioner states, *inter alia*, access should be granted to the expunged papers relating to the '333 patent, because the expunged papers are alleged to be material to patentability. The '333 patent was issued by the Office on October 27, 2009.

Patent owner is given THREE WEEKS from the mail date of this letter to file a response.

[1] Exhibits A – I to the petition contain various papers that are part of the file history of the '333 patent. The petition, to include all exhibits, can be viewed and downloaded from public pair and is listed in the file history as a petition filed on December 23, 2009. In May 2010, during a telephone conversation with Ms. Le Cointe, Ms. Cointe indicated that she would serve a copy of the entire petition upon applicant/patent owner in order to expedite the petition decision process.

Any 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

By FAX: 571-273-0100
Attn: Office of Patent Legal Administration/Joseph F. Weiss, Jr.

Inquiries relating to this matter may be directed to the undersigned at (571) 272-7759.

JOSEPH F. WEISS, JR.
Legal Advisor
Office of Patent Legal Administration

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	: Eyre, Ronald K.		
Serial No.	: 11/022,271	Patent No.	: 7,608,333
Filed	: March 23, 2006	Issued	: October 27, 2009
For	: THERMALLY STABLE DIAMOND POLYCRYSTALLINE DIAMOND CONSTRUCTS		

PETITION FOR ACCESS UNDER 37 C.F.R. 1.14(h)

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

Sir:

This is a petition pursuant to 37 C.F.R. § 1.14(h) for access to certain documents considered by the Examiner during prosecution of US 7,608,333 (the "'333 Patent") and listed in the References Cited on the face of the '333 Patent. Petitioner believes these documents are fairly considered part of the file history of the '333 Patent, are pertinent to its patentability, and should be made available to the public. The documents sought are not otherwise publicly available. Previous attempts by Petitioner to obtain copies of these documents from the USPTO through other avenues have been unsuccessful.

Documents Sought and Factual Background

Petitioner specifically seeks to obtain a copy of seven documents listed on page 3 of the '333 Patent as "Other Publications" in the "References Cited" portion of the patent. (*See* Exhibit A, '333 Patent.) These documents are as follows:

1) Declaration of Stephen C. Steinke dated July 21, 2008

2) Field Trial Report for Smith Test Bits with Partially Leached Cutters Occurring on or before February 22, 2003.

3) Declaration of Stephen C. Steinke, Dec. 2008

4) Declaration of John L. Williams, Dec. 2008

5) Declaration of Anthony Griffo, Dec. 2008

6) Declaration of Ronald K. Eyre, Dec. 2008

7) Declaration of Stewart Middlemiss, Dec. 2008

The first two documents sought by Petitioner were first provided to the USPTO by the Patentee via an Information Disclosure Statement (IDS) on July 22, 2008. (*See* Exhibit B, IDS dated July 22, 2008.) The IDS was accompanied by a Petition Under 37 C.F.R. 1.59, also referencing MPEP §724, to expunge the submitted materials from USPTO records should they be determined to not be material to patentability of the claims. (*See* Exhibit C, Petition Under 37 C.F.R. 1.59 dated July 22, 2008.)

On September 23, 2008, Jacqueline M. Stone, Director of Technology Group 1700 dismissed the Petition Under 37 C.F.R. 1.59 because prosecution on the merits was not closed, making it impossible to render a decision as to whether the cited documents were material to patentability. (*See* Exhibit D, Decision dated September 23, 2008.)

An Office Action issued on October 21, 2008 in which the Examiner, Archene Turner, indicated that the first two references had been considered. All claims were rejected over the document 2, "Field Trial Report" reference because "[t]he report discloses articles that anticipate the claimed invention." (*See* Exhibit E, Office Action dated October 21, 2008 at page 2.)

A Response was filed on January 14, 2009 in which the Patentee cancelled all previously pending claims and presented a new set of claims. The Response described portions of the Field Trial Report in detail or copied portions of the Field Trial Report. (*See* Exhibit F, Response dated January 14, 2009 at page 10). The Response also referenced documents 5 and 6 of the list above. Based on the language in the Response is appears that these documents discussed the Field Trial Report. (*See id.* at pages 9-10.) No further rejections of the claims were made after the January 14, 2009 Response.

Based on the records available for the '333 Patent in PAIR, it appears that documents 3-7 were all submitted to the USPTO on December 11, 2008 and were considered by the Examiner at least by April 3, 2009. (*See* Exhibit G, second Form 1449 dated December 11, 2008.) It appears also that a Petition Under 37 C.F.R. 1.59, also referencing MPEP §724, accompanied the IDS disclosing these documents. (*See* Exhibit H, Petition Under 37 C.F.R. 1.59 dated December 11, 2008.)

On December 15, 2009, several months after the issue of the '333 Patent, the second petition to expunge was granted. (*See* Exhibit I, Decision dated December 15, 2009.)

Petitioner notes that documents 3-7 also appear in the list of "References Cited" in related patent US 7,517,589, have been discussed during prosecution of parent application 10/947,075, have been submitted in an IDS in related application 11/776,389, and were submitted in an IDS, but refused to be considered by the Examiner in divisional application 11/776,425.

Attempts by Petitioner to obtain copies of documents 1-7, even when accompanied by the identification of archive file 11022271XA, which Petitioner believes may contain one or more of these documents, have been unsuccessful. Attempts by document retrieval firms engaged by Petitioner have similarly been unsuccessful.

Legal Basis for Expungement and Denial of Expungement

Requests to Expunge

37 C.F.R. 1.59(b) provides that information in a patent application may be expunged if the patent applicant is able to "establish to the satisfaction of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided." Methods for implementation of this rule are provided in the Manual of Patent Examining Procedure ("MPEP") §724.

Section 724.01 explicitly states "[i]t is the intent of the Office that the patent file wrapper be as complete as possible insofar as "material" information is concerned."

Sections 724.02 provides a method of submitting trade secret, proprietary, or protective order materials. A petition to expunge under 37 C.F.R. 1.59(b) must be submitted with such materials.

Section 724.06 provides guidance regarding how a petition to expunge under 37 C.F.R. 1.59(b) should be handled. In particular, it provides form paragraphs for use when a petition is held in abeyance, denied, or granted. Section 724.06 indicates that a petition should be held in abeyance when prosecution on the merits is not closed, making a determination of materiality inappropriate. It also indicates that a petition should be denied when the information is material. "'Materiality' is defined as any information which the examiner considers as being important to a determination of the patentability of the claims."

Petitioner is Entitled to Copies of Documents 1-7

Documents 1-7 consist of Declarations and tests performed by the Patentee that Petitioner cannot obtain from other sources. Petitioner is entitled to and requests access to and copies of

these documents for the reasons set forth below.

Documents 1-7 are Material to Patentability

At least the second document, the Field Trial Report, formed the basis of an anticipation rejection of all of the Patentee's pending claims during prosecution of the '333 Patent. (*See* Exhibit E.) The Patentee submitted an entirely new claim set in response to that rejection and also presented arguments based on the Field Trial Report and the declarations found in documents 5-6. (*See* Exhibit F.) These documents were also listed as Cited References on the face of the '333 Patent. (*See* Exhibit A.) Accordingly, Petitioner submits that that at least documents 2 and 5-6 and, due to their likely related nature, also documents 1, 3-4 and 7 were "important to a determination of the patentability of the claims" and thus material as defined by MPEP §724.06. Accordingly, in order to fulfill the "intent of the Office that the patent file wrapper be as complete as possible insofar as "material" information is concerned," these documents should be made available to Petitioner.

Petitioner further notes that the mere fact that the Patentee ultimately overcame rejections based on one or more of documents 1-7 and obtained the claims issued in the '333 Patent in no way negates the materiality of these references. Materiality is not defined in terms of references that cannot be overcome. It is defined in terms of references that are important to a determination of the patentability of a claim. It is hard to imagine a clearer indication of such importance than citation of a reference by the Examiner in an Office Action or by the Patentee in a Response.

The Petition Under 37 C.F.R. 1.59(b) With Respect to Documents 1-2 Was Denied

Petitioner is further entitled to documents 1-2 because the documents were subject to a Petition Under 37 C.F.R. 1.59(b) that was denied. No further petitions regarding these references were submitted even though such petitions were in no way prohibited. Accordingly, the Patentee failed to take appropriate steps to request that these documents be expunged. Petitioner is entitled to copies of documents 1-2 as part of the file history of the '333 Patent.

Petitioner notes that the decision on the Petition Under 37 C.F.R. 1.59(b) may have dismissed the petition in error. The reasons for dismissal are similar to the reasons given for holding a petition in abeyance in MPEP §724.06. (*See* Exhibit D.) Should the Office of Petitions determine that the Petition Under 37 C.F.R. 1.59(b) should have been held in abeyance rather than dismissed, Petitioner urges that documents 1-2 nevertheless be made available. The Patentee had ample time and opportunity to contest the dismissal of Patentee's petition or to file a new petition. The Patentee did not take advantage of this opportunity prior to issue of the '333 Patent and therefore should not be allowed to retroactively remedy his mistake. Further, even if the petition should have been held in abeyance previously, it should now be denied due to the materiality of documents 1-2 as set forth above.

Finally, Petitioner notes that the granted Petition dated December 15, 2009 related only to documents 3-7. Accordingly, Petitioner remains entitled to copies of documents 1-2 for the reasons set forth above.

The Petition Under 37 C.F.R. 1.59(b) With Respect to Documents 3-7 Was Granted in Error

The Patentee filed another Petition Under 37 C.F.R. 1.59(b) with respect to documents 3-7. PAIR records contain no information regarding any action upon this petition. MPEP §724.06 states that "when an application has been allowed, an *Ex parte Quayle* action has been mailed, or an application abandoned, a petition to expunge should be decided by a TC Director." Such a decision has apparently not been made in the '333 Patent. The Patentee should have been aware of MPEP §724.06 and should have requested a decision on the petition prior to issue of the '333 Patent. The Patentee failed to do so despite ample time and opportunity and therefore the petition should not have been retroactively granted on December 15, 2009, after issue of the '333 Patent.

Further, for the reasons stated above, Petitioner asserts that documents 3-7 are material to patentability and therefore that the grant of the Patentee's petition to have these documents expunged was in error and should be revered. Failure to reverse this decision prevents Petitioner from accessing information material to patentability of the '333 Patent to which Petitioner is entitled.

Request for Relief

Petitioner is currently being denied access to references material to patentability of an issued patent in direct contravention of the USPTO's stated goal of providing a complete file wrapper insofar as material information is concerned. Petitioner accordingly requests prompt access to documents 1-7 for all of the reasons listed above. Such relief is appropriate under 37 C.F.R. 1.14(h) due to the "special circumstances" described above that "warrant Petitioner being granted access to all or part of the application." Alternatively, Petitioner requests access to these

documents under 37 C.F.R. 1.14(a)(1)(i) as part of the contents of an application that has issued as a patent.

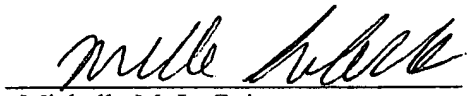
Payment of Fees

Petitioner has enclosed herewith the fee specified by 37 C.F.R. §1.17(g) due in connection with this petition. If any additional fee is due, the Commissioner is authorized to charge any such fee or credit any overpayment, to our Deposit Account No. 50-2148. The Commissioner is also authorized to charge the above deposit account for any copies of documents 1-7 provided to Petitioner in connection with this Petition.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorney for Applicants

December 22, 2009
Date



Michelle M. LeCointe
Patent Office Reg. No. 46,861

Correspondence Address: Customer #: 031625
512.322.2580

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.
11/022,272	12/22/2004	Ronald K. Eyre	70239-00088	3015

58688 7590 01/26/2009

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

EXAMINER	
TURNER, ARCHENE A	
ART UNIT	**PAPER NUMBER**
1794	

MAIL DATE	DELIVERY MODE
01/26/2009	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.

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Mailed: 1/26/09

In re application of	:	
Eyre	:	DECISION ON
Serial No. 11/022,272	:	PETITION
Filed: 12/22/2004	:	
For: Thermally Stable Diamond Polycrystalline Diamond Constructions	:	

This is a decision on a PETITION filed December 11, 2008, which has been accepted as a timely petition under 1.59(b) and MPEP 724.02 and is before the Group Director of Technology Center for consideration.

DECISION

Petitioner requests that the proprietary materials submitted under MPEP 724.02 be expunged. Each of the criteria for granting the request has been satisfied, see the MPEP 724.05.

The petition is **GRANTED.**

Section 1.59 has been amended to eliminate references to returning documents that have been expunged to recognize that, with electronic Official files, there will be nothing to return when a paper is expunged.

The Office is capturing electronic images of all documents that form the Official file. Where the image is generated from a physical source document, the originating document may be disposed of once the electronic image accuracy is verified. The paper source document will eventually be destroyed under a United States National Archives and Records Administration (NARA) approved schedule. Therefore, if a document is to be expunged from the record, the only operation that will be required will be removal of the image from the Official file.

Paragraph (a)(1) of §1.59 has been amended by deleting the phrase ''and returned '' from the first sentence, and deleting the second sentence. Paragraph (b) of §1.59 has been amended by deleting the phrase ''and return '' from each of the first and second sentences. The Office will continue to provide notice in the Official file that a paper has been expunged and the Office will send a decision to the applicant notifying the applicant that the paper has been expunged.

11/022,272

The images will be removed from the Official file.

Jacqueline M. Stone

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

Jeffrey S. Bergman
CONNOLLY BOVE LODGE & HUTZ LLP
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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

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In re Application of :
Kenneth LARGMAN, et *al.* :
Application No. 11/022,290 : DECISION ON PETITION
Filed: December 23, 2004 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **60982-8008.US01** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 17, 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, May 14, 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 August 15, 2009.

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

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.

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 Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 2432 for appropriate action by the Examiner in the normal course of business on the reply received.

Thurman K. Page
Petitions Examiner
Office of Petitions

cc: **R. MICHAEL ANANIAN**
PERKINS COIE, LLP
101 JEFFERSON DRIVE
MENLO PARK, CA 94026

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

In re Application of:
Trygve Frederik MARTON, et al.
Application No. 11/022,293
Filed: December 22, 2004
For: **SYSTEM AND METHOD FOR ENHANCED STEREO AUDIO**

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the renewed petition filed August 24, 2006 under MPEP§708.02 VIII requesting accelerated examination.

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

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

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

Krista Zele
Quality Assurance Specialist
Technology Center 2600
Communications

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THE ECLIPSE GROUP LLP
10605 BALBOA BLVD., SUITE 300
GRANADA HILLS CA 91344

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In re Application of :
TURETZKY et al. :
Application No. 11/022,294 : DECISION ON PETITION
Filed: December 22, 2004 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. ST00012CI6 (104-US-CIP6) :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed May 13, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

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

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

The petition does not satisfy item (1) above.

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

amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b). The following applications cannot be incorporated by reference: 10/194,627; 10/068,751; 09/781,068; 60/225,076; 10/700,821; 09/575,492; 10/385,198; and 10/127,229 since they were not incorporated by reference in the originally filed application.

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. Also the amendment does not show the changes that are being made to paragraph [02] of the specification. See MPEP 714 (II)(B) for suggestions on how to indicate the changes. For paragraphs that are newly added, no underlining is required.

Before the petition can be granted, petitioner must submit a substitute amendment in compliance with the aforementioned rules, along with a renewed petition under 37 CFR 1.78(a)(3).[1]

Petitioner should further note that the amendment to paragraphs [02], [03], [04], and [05] would delete the "Field of the Invention" heading and discussion and the "Related Art" heading of the application. While not grounds for dismissing the petition for a priority claim, this amendment may present an issue to the examiner which would cause an objection to the specification. Petitioner may want to amend the specification by amending paragraph [02] and inserting additional paragraphs [02A], [02B] and [02C] which would correspond to petitioners proposed paragraphs and thus avoid amending paragraphs [03], [04], and [05].

[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).

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.
Further correspondence with respect to this matter should be addressed as follows:

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3687.

Anthony Knight
Supervisor
Office of Petitions

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OFFICE OF PETITIONS

THE ECLIPSE GROUP LLP
10605 BALBOA BLVD., SUITE 300
GRANADA HILLS CA 91344

In re Application of :
TURETZKY et al. :
Application No. 11/022,294 : DECISION ON PETITION
Filed: December 22, 2004 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. ST00012CI6 (104-US-CIP6) :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 15, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment 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) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition satisfies all of the above requirements, hence the petition is granted.

It was agreed by telephonic communication with Mark Danielson, registration number 40580, on February 26, 2010 that the priority claim as set forth in paragraph [02] should read as follows in the attached appendix. If upon review of the priority claim set forth in the Appendix applicants

wish to change the relationship between applications, such change may be made by way of an amendment without the need for a petition under 37 CFR 1.78. See MPEP 201.11(V).

Any questions concerning this matter may be directed to the undersigned at (571) 272-3687.

Anthony Knight
Supervisor
Office of Petitions

Attachments: Appendix
Corrected filing receipt

APPENDIX

Paragraph [02] on page 1 of the specification has been rewritten as follows:

[02] This application is a continuation-in-part ("C-I-P") of and claims priority to United States ("U.S.") Patent Application 10/885,507, entitled "Aided Location Communication System," by A. Pande, Lionel J. Garin, K. Chadha, L. Peng, G. Zhang, N. Vantalon and Gregory B. Turetzky, filed 7/3/04 which is a C-I-P of PCT Patent Application PCT/US03/16308 entitled "Search Domain Reducing Frequency Transfer in a Multi-mode GPS Used with Wireless Networks," by A. Pande, Lionel J. Garin, K. Chadha, L. Peng, G. Zhang, N. Vantalon, and Gregory B. Turetzky, filed 5/22/03 and published 12/14/03, which [claims priority to] is a continuation of C-I-P U.S. Patent Application No. 10/155,614, entitled "Search Domain Reducing Frequency Transfer in a Multi-mode GPS Used with Wireless Networks," by L. Garin, L. Peng, G. Zhang and N. Vantalon, filed 5/22/02 and issued as U.S. Patent No. 6,684,158 on 1/27/04, which [claims priority to] is a Continuation-In-Part of U.S. Patent Application No. 09/795,871 entitled "Information Transfer in a Multi-mode GPS Used with Wireless Networks," by Ashutosh Pande, Lionel J. Garin, Kanwar Chadha and Gregory B. Turetzky, filed 02/28/01 and issued on 07/30/02 as U.S Patent No. 6,427,120, all of which are incorporated by reference.

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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
11/022,294	12/22/2004	2618	690	ST00012CI6 (104-US-CIP6)	25	3

CONFIRMATION NO. 3444

27498
PILLSBURY WINTHROP SHAW PITTMAN LLP
P.O. BOX 10500
MCLEAN, VA 22102

CORRECTED FILING RECEIPT

Date Mailed: 03/09/2010

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)

Gregory Turetzky, San Jose, CA;
Erik Anderson, San Francisco, CA;

Power of Attorney: The patent practitioners associated with Customer Number 27498

Domestic Priority data as claimed by applicant

This application is a CIP of 10/885,507 07/03/2004
which is a CIP of PCT/US03/16308 05/22/2003
which is a CON of 10/155,614 05/22/2002 PAT 6,684,158
which is a CIP of 09/795,871 02/28/2001 PAT 6,427,120
and said 10/885,507 07/03/2004
is a CIP of 10/385,198 03/10/2003 PAT 6,915,208
and is a CIP of 10/194,627 07/12/2002 PAT 7,577,448
which is a CON of 10/068,751 02/05/2002 PAT 6,519,466
which is a CON of 09/781,068 02/08/2001 PAT 6,389,291
which claims benefit of 60/225,076 08/14/2000
and said 10/885,507 07/03/2004
is a CIP of 10/700,821 11/04/2003 PAT 7,263,440
which is a CIP of 09/575,492 05/18/2000 PAT 6,671,620
and said 10/385,198 03/10/2003
is a CON of 10/127,229 04/19/2002 PAT 6,542,823
which is a CON of 09/795,871 02/28/2001 PAT 6,427,120
which claims benefit of 60/225,076 08/14/2000

Foreign Applications

If Required, Foreign Filing License Granted: 02/05/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/022,294**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****
Title

Satellite positioning aided communication system selection

Preliminary Class

455

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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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MINNEAPOLIS MN 55402

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MAY 25 2005

OFFICE OF PETITIONS

In re Application of
Nelson Diaz
Application No. 11/022,301
Filed: December 22, 2004
Attorney Docket No.
2004P54328US/I331.178.101

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(b)

This decision is in response to the petition filed May 4, 2005, under 37 CFR 1.47(b), in response to the Notice to File Missing Parts "Notice" mailed February 2; 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, naming Nelson Diaz as the sole inventor, was filed on December 22, 2004 without an executed oath or declaration. Accordingly, on February 2, 2005 , a "Notice To File Missing Parts of Nonprovisional Application" was mailed, requiring, *inter alia*, an executed oath or declaration and a surcharge for its late filing. In response, the present petition and one month extension of time request was filed.

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

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

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

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

The petition lacks items (2) and (5).

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. A declaration in compliance with 37 CFR 1.63, 1.64, and 1.67 must be presented, signed by all of the signing inventors, if any. If no inventor(s) will sign the declaration, the declaration may be signed on behalf of the inventor by an assignee. The oath or declaration must be signed by an officer of the corporation (president, vice president, secretary, or treasurer) on behalf of and as agent for the non-signing inventor(s). The officer must identify his/her title in the declaration, as well as his/her mailing address, residence, if the applicant lives at a different location from where he or she customarily receives mail, as well as the citizenship of individual signing on behalf of the non-signing inventor. If the oath or declaration is not signed by an officer of the corporation, then proof of authority of the person signing on behalf of the corporation must be submitted.[1]

As to item (5), petitioner must provide proof that the Rule 1.47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application.[2] Petitioners should provide a copy of the employment agreement between the non-signing inventor and the Rule 1.47(b) applicant (company); a copy of an assignment agreement showing that the invention disclosed in the application is assigned to the Rule 1.47(b) applicant; or a legal memorandum signed by an attorney familiar with the law of the jurisdiction stating that a court of competent jurisdiction would by the weight of authority in that jurisdiction award the title of the invention to the Rule 1.47(b) applicant.

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

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

By FAX: (703) 872-9306

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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[1] MPEP 409.03(b).

[2] MPEP 409.03(f).

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

DICKE, BILLIG & CZAJA, P.L.L.C.
FIFTH STREET TOWERS
100 SOUTH FIFTH STREET, SUITE 2250
MINNEAPOLIS MN 55402

COPY MAILED

AUG 0 5 2005

OFFICE OF PETITIONS

In re Application of :
Nelson Diaz :
Application No. 11/022,301 : DECISION ACCORDING STATUS
Filed: December 22, 2004 : UNDER 37 CFR 1.47(b)
Attorney Docket No. :
2004P54328US/I331.178.101

This decision is in response to the request for reconsideration filed July 25, 2005 (certificate of mail date), under 37 CFR 1.47(b).

The petition is **GRANTED.**

The above-identified application, naming Nelson Diaz as the sole inventor, was filed on December 22, 2004 without an executed oath or declaration. Accordingly, on February 2, 2005 , a "Notice To File Missing Parts of Nonprovisional Application" was mailed, requiring, *inter alia*, an executed oath or declaration and a surcharge for its late filing. In response, a petition and one month extension of time request were filed and dismissed in a decision mailed May 25, 2005 because an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 had not been presented and because the petition lacked proof of proprietary interest.

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

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

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

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

In response to the decision dismissing the petition filed May 4, 2005, an oath or declaration executed by the attorney of record, claiming to be authorized by the assignee, Infineon Technologies North America Corp., for the assignee and on behalf of the non-signing inventor as well as proof of proprietary interest in the form of an

"Employee Patent and Secrecy Agreement" between Nelson Diaz, the sole inventor and Infineon Technologies North America Corp., has been presented. All requirements under 37 CFR 1.47(b) therefore having been met, as provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to Technology Center 2874 for examination in due course.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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EDWARDS ANGELL PALMER & DODGE LLP
PO BOX 55874
BOSTON MA 02205

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APR 2 4 2008

OFFICE OF PETITIONS

In re Application of :
Loeb, et al. :
Application No. 11/022,304 : DECISION ON PETITION
Filed: December 23, 2004 :
Attorney Docket No. 69387CON3(303272) :

This is a decision on the petition under 37 CFR 1.78(a)(3), and the petition to expedite under 37 CFR 1.182, both filed February 29, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to application No. 09/940,062.

The petition under 37 CFR 1.182 is **GRANTED**.

The petition under 37 CFR 1.78(a)(3) is **DISMISSED**.

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

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii)

and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant petition does not comply with item (1).

With regard to item (1), the supplemental ADS filed with the present petition is improper because it is not signed. 37 CFR 1.33(b) requires that amendments and other papers, except for written assertions pursuant to 37 CFR 1.27(c)(2)(ii), filed in the application must be signed by an appropriate party. Therefore, a supplemental ADS filed after the filing of an application must be signed in accordance with 37 CFR 1.33(b).

Before the petition may be granted, a renewed petition and either an ADS or a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matter is required.

Receipt of the $1,410 and $400 petition fees is acknowledged.

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

By mail: Mail Stop PETITIONS
Director 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 decision on petition may be directed to Petitions Attorney Cliff Congo at (571)272-3207.

Anthony Knight
Supervisor
Office of 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

EDWARDS ANGELL PALMER & DODGE LLP
PO BOX 55874
BOSTON MA 02205

In re Application of :
Loeb, et al. :
Application No. 11/022,304 : DECISION ON PETITION
Filed: December 23, 2004 :
Attorney Docket No. 69387CON3(303272) :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed May 2, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to application No. 09/940,062.

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.

Applicants had filed a petition under 37 CFR 1.78(a)(3) on February 29, 2008. However, the petition was dismissed in a decision mailed on April 24, 2008. The decision explained that the supplemental ADS filed with the petition was improper because it was not signed. 37 CFR 1.33(b) requires that amendments and other papers, except for written assertions pursuant to 37 CFR 1.27(c)(2)(ii), filed in the application must be signed by an appropriate party. The decision pointed out that before the petition could be granted, a renewed petition and either an ADS or a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matter was required.

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

With the instant renewed petition, applicants have submitted a signed ADS. The renewed petition also complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the above-noted, prior-filed application has been included in an ADS; (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 and 365(c) to the prior-filed applications satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted. Petitioner should note that an amendment to the specification has not been filed to show the priority claim. If petition wants the priority claim to be printed on any patent that may issue, then the specification must be amended to show the priority claim.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 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 instant application is entitled to the benefit of the earlier filing date.

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

Any questions concerning this decision on petition may be directed to Petitions Attorney Cliff Congo at (571)272-3207.

Anthony Knight
Supervisor
Office of Petitions

Enc: corrected Filing Receipt

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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
11/022,304	12/23/2004	3627	1980	69387CON3(303272)	21	7

CONFIRMATION NO. 3464

21874
EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

CORRECTED FILING RECEIPT

Date Mailed: 06/12/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Michael R. Loeb, Darien, CT;
Jay S. Walker, Ridgefield, CT;

Assignment For Published Patent Application

Synapse Group Inc., Stamford, CT

Power of Attorney: The patent practitioners associated with Customer Number 21874

Domestic Priority data as claimed by applicant

This application is a CON of 09/940,062 08/27/2001 ABN
which is a CON of 09/370,290 08/09/1999 ABN
which is a CON of 08/762,007 12/11/1996 PAT 6,014,641

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 11/022,304**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Method and apparatus for providing open-ended subscriptions to commodity items normally available only through term-based subscriptions

Preliminary Class

705

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).

Newsome, Lamonte

From: Johnson, Henry
Sent: Monday, June 15, 2009 10:57 AM
To: Scanning Customer Support
Cc: Newsome, Lamonte
Subject: FW: 11022314 CODE COCX

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

/Henry M Johnson, III/ 3769

SPE
Art Unit

From: Newsome, Lamonte
Sent: Friday, June 12, 2009 9:48 AM
To: Johnson, Henry
Cc: Dvorak, Linda
Subject: 11022314

Paper No.: _____

DATE : 6/12/09

TO SPE OF : ART UNIT 3769

SUBJECT : Request for Certificate of Correction for Appl. No.: 11022314 Patent No.: 7344555 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:

_____

_____

_____

_____

_____

_____

_____

SPE
Art Unit

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WILLIAMS MORGAN & AMERSON
10333 RICHMOND SUITE 1100
HOUSTON TX 77042

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JAN 12 2009

OFFICE OF PETITIONS

In re Application of :
Markus Georg Bauer :
Application No. 11/022,328 : DECISION ON PETITION
Filed: December 23, 2004 :
Attorney Docket No. 2100.00960 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed December 10, 2008.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed April 25, 2008. This Notice set a statutory period for reply of three (3) months. No issue fee having been received, the application became abandoned on July 26, 2008. The Office mailed a Notice of Abandonment on October 23, 2008.

On petition, applicant asserts that he filed an Issue Fee Transmittal, form PTOL-85b, on July 14, 2008. In support thereof, applicant has included *prima facie* evidence of its timely filing by submitting a copy of an Auto Reply Facsimile Transmission Receipt. See MPEP 503.

In view thereof, **the holding of abandonment is withdrawn.**

Given the basis for granting this petition, no petition fee has been charged.

However, as petitioner did not present any evidence that the issue and publication fees were ever charged to his deposit account, the $1440 issue fee and $300 publication fee have been charged to Deposit Account No. 12-2325, as authorized in the PTOL-85b supplied with the instant petition on December 10, 2008.

The matter is being forwarded to the Office of Patent Publication for processing into a patent.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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Alexandria, Virginia 22313-1450
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FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

Mail Date: 04/21/2010

Applicant	: Harvey J. Nickerson	: DECISION ON REQUEST FOR
Patent Number	: 7640079	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/022,329	: 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 **1145** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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JUL 28 2006

OFFICE OF PETITIONS

FISH & RICHARDSON, PC
12390 EL CAMINO REAL
SAN DIEGO, CA 92130-2081

In re Application of :
Makoto Sofue et al :
Application No. 11/022,335 : DECISION ON PETITION
Filed: December 22, 2004 : TO WITHDRAW
Attorney Docket No. PROS:002 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 16, 2005.

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

A review of the file record indicates that the power of attorney to Scott C. Harris, along with all of the other attorneys associated with Customer No. **20985** has been revoked by the assignee of the patent application on January 23, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant/assignee or the current attorneys of record.

This application is being referred to Technology Center AU 1775 for examination in due course.

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

Karen Creasy
Petitions Examiner
Office of Petitions

Conferee:

cc:
ROSSI, KIMMS & MCDOWELL LLP
P.O. BOX 826
ASHBURN, VA 20146-0826

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Alexandria, Virginia 22313-1450
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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

Mail Date: 04/20/2010

Applicant	: Arak Sutivong	: DECISION ON REQUEST FOR
Patent Number	: 7594151	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/022,348	: 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 **826** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

Hamilton, Brook, Smith & Reynolds, P.C.
530 Virginia Road
P.O. Box 9133
Concord, MA 0172-9133

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JUL 23 2007

OFFICE OF PETITIONS

In re Application of :
Kevin P. Johnson et al. :
Application No. 11/022,353 : DECISION ON PETITION
Filed: December 22, 2004 : TO WITHDRAW
Attorney Docket No. 2479.2017-006 : 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, 2006.

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

A review of the file record indicates that the power of attorney to Hamilton, Brook, Smith & Reynolds, P.C. has been revoked by the assignee of the patent application on January 4, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Volpe and Koeing, P.C.**
Dept. ICC
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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CAROL M. NIELSEN
WINSTEAD SECHREST & MINICK
2400 BANK ONE CENTER
910 TRAVIS STREET
HOUSTON, TX 77002

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FEB 2 1 2006

OFFICE OF PETITIONS

In re Application of :
Daniel Sigg et al :
Application No. 11/022,368 : ON PETITION
Filed: December 22, 2004 :
Attorney Docket No. 42173/P001US :

This is a decision on the petition under 37 CFR 1.182, filed November 22, 2005, to change the name of one of the inventors for the above-identified application.

The petition is **GRANTED**.

The name of one of the named inventors has been changed from Rudy Padua to **Rodolfo Padua**.

A corrected filing receipt is enclosed.

This matter is being referred to Technology Center AU 3762 for examination in due course.

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

Wan Laymon
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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
11/022,368	12/22/2004	3762	7290	42173/P001US	10	33	19

CONFIRMATION NO. 6337

CORRECTED FILING RECEIPT

OC000000018101807

37176
CAROL M. NIELSEN
WINSTEAD SECHREST & MINICK, P.C.
2400 BANK ONE CENTER
910 TRAVIS STREET
HOUSTON, TX 77002

Date Mailed: 02/21/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Daniel Sigg, St. Paul, MN;
James A. Coles JR., Minneapolis, MN;
Michael Ujhelyi, Maple Grove, MN;
Rodolfo Padua, Richfield, MN;
Daisy P. Cross, Minneapolis, MN;
William F. Kaemmerer, Edina, MN;

Power of Attorney:

Sanford Warren Jr--33219
Kenneth Collier--34982
Kelly Kordzik--36571
Carol Nielsen--37676
Rudeina Baasiri--47398
Edward Mickelson--50413
Edwin Richards--53514

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/532,389 12/24/2003

Foreign Applications

If Required, Foreign Filing License Granted: 05/03/2005

The country code and number of your priority application, to be used for filing abroad under the Paris

Convention, is US11/022,368

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Methods of treating cardiac disorders by suppressing the expression of the potassium inwardly-rectifying channel

Preliminary Class

607

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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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

IVAN DAVID ZITKOVSKY PH.D PC
5 MILITIA DRIVE
LEXINGTON MA 02421

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APR 0 2 2007

OFFICE OF PETITIONS

In re Application of :
Natan E. Parsons et al. :
Application No. 11/022,373 : DECISION ON PETITION
Filed: December 22, 2004 : UNDER 37 C.F.R. §1.181
Attorney Docket No. A2-20US1 :
Title: AUTOMATED WATER DELIVERY :
SYSTEMS WITH FEEDBACK CONTROL :

This is a decision on the petition filed on December 18, 2006, pursuant to 37 C.F.R. §1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The above-identified application became abandoned for failure to reply in a timely manner to the communication of January 25, 2006, which set a one-month period for reply. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on February 26, 2006. A notice of abandonment was mailed on October 16, 2006.

It is noted that December 16, 2006 fell on a Saturday.

With the present petition, Petitioner has provided a response to the communication of January 25, 2006, and has alleged that the mailing was not received. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. In addition, a copy of the docket record where the non-received Office communication

would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement[1].

Petitioner has met the requirements of Delgar v. Schuyler, 172 USPQ 513 (D.D.C. 1971), in that he has asserted that the Office communication was not received, that he has searched both the file jacket and the docket record, and he has included a copy of the latter.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the mailing was not received.

Accordingly, the petition under 37 C.F.R. §1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the response to the communication of January 25, 2006, which was received with the present petition, can be processed.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225[2]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

1 See MPEP 711.03(c).
2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for his further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

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DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
370 SEVENTEENTH STREET
SUITE 4700
DENVER CO 80202-5647

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NOV 25 2008

OFFICE OF PETITIONS

In re Application of :
Thomas M. Brennan :
Application No. 11/022,377 : DECISION ON PETITION
Filed: December 21, 2004 :
Attorney Docket No. A-58607-7/DJB/VEJ :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Non-Final Rejection mailed, July 20, 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 23, 2007(October 20, 2007 was a Saturday).

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

The above-identified application is being revived solely for the purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application 12/177,768, filed July 22, 2008.

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 above-identified patent. However, in accordance with 37CFR 1.34(a), the signature of Wendy A. Choi appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If petitioner desires to receive future correspondence regarding this patent, the appropriate power of attorney or authorization of agent must be submitted.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to Technology Center AU 1634 for appropriate action by the Examiner in the normal course of business on the reply received.

Brian W. Brown
Petitions Examiner
Office of Petitions

cc: Wendy A. Choi
Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

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AUG 1 8 2006

OFFICE OF PETITIONS

In re Application of :

Xiao Yang :
Application No. 11/022,383 : DECISION ON PETITION
Filed: December 23, 2004 : TO WITHDRAW
Attorney Docket No. 021713-002900US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 18, 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, **file transfer back to client**, do not meet any the conditions set forth in 37 CFR 10.40.

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

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

David Bucci
Petitions Examiner
Office of Petitions

cc: John Carey
Patterson & Sheridan LLP
350 Cambridge Avenue
Suite 250
Palo Alto, PA 94306

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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SNELL & WILMER LLP (OC)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

Mail Date: 04/21/2010

Applicant	: Hiroko Sugimoto	: DECISION ON REQUEST FOR
Patent Number	: 7614067	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/022,393	: 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 **1190** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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SNELL & WILMER LLP (OC)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

Mail Date: 04/21/2010

Applicant	: Hiroko Sugimoto	: DECISION ON REQUEST FOR
Patent Number	: 7614067	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/022,393	: 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 **1190** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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HOVEY WILLIAMS LLP
2405 GRAND BLVD., SUITE 400
KANSAS CITY, MO 64108

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OFFICE OF PETITIONS

In re Application of :
Flynn et al. :
Application No. 11/022,395 :
Filed: December 23, 2004 : DECISION ON PETITION
Attorney Docket No.: :
34477-CIP2 :

This is a decision on the Petition Under 37 CFR 1.182 to Prove That a Portion of an Application was Submitted as a Part of the Original Filing, filed June 2, 2005.

The above-identified application was filed December 23, 2004. On April 11, 2005, this Office mailed a Notice to File Corrected Application Papers ("Notice"), informing Applicant, *intern alia*, that a filing date had been accorded the application; however, pages 26-30 of the specification appeared to have been omitted from the application.

In response to the Notice, Applicant files the instant petition wherein Applicant avers that pages 26-30 of the specification were included among 451 pages of Specification, Claims and Abstract filed initially, on December 23, 2004, and were received by this Office as evidenced by the return-receipt postcard. In support, Petitioner provides a copy of a return receipt postcard acknowledging receipt of, *intern alia*, 451 pages of Specification, Claims and Abstract, filed on December 23, 2004. Applicant asserts that had pages 26-29 not been included in the application, the pages would have numbered 447.

A review of the application papers received in this Office on December 23, 2004 reveals that the Office received 409 pages of specification, 39 pages of claims, and 1 page of abstract, for a total of 449 pages, on December 23, 2004. A closer inspection of the application papers filed in the Office on December 23, 2004 reveal that the application included 3 pages numbered 117: to wit - pages 117, 117A and 117B.

The best evidence of what was filed on December 23, 2004, is applicant's postcard receipt. In this case, Applicant's

postcard receipt fails to demonstrate that 26-29 of the specification were filed with the application.

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

In this instance, Applicant's postcard receipt evidences 451 pages of specification, claims and abstract. Thus, Applicant's postcard receipt fails to demonstrate that pages 26-29 were present on filing.

The MPEP provides that

> If a new application is being filed, all parts of the application being submitted should be separately listed on the post card, e.g. the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).
>
> The postcard receipt will not serve as prima facie evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard 'a complete application' or 'patent application' will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee[] or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portions of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard.

MPEP § 503

Conclusion

Here, applicant has confused the page numbers with the number of pages. Applicant's postcard evidences receipt of 451 pages of specification, claims and abstract in this Office on December 23, 2004. As such, applicant may receive a filing date of December 23, 2004 for 2 additional pages of specification, claims or abstract only.

It is also noted that Applicant is a continuing application and has incorporated by reference to prior applications. Applicant is advised that a petition is not necessary in this instance to add the missing pages of specification, claims and/or abstract. The Manual of Patent Examining Procedure ("MPEP") provides that

> [i]f a continuation or divisional application as originally filed is entitled to a filing date despite the omission of a portion of the prior application(s), applicant will be permitted to add the omitted material by way of an amendment provided a statement was included in the application as originally filed that incorporates by reference the prior application(s). If the application as originally filed included a proper incorporation by reference of the prior application(s), an omitted specification page(s) and/or drawing figure(s) identified in a "Notice of Omitted Item(s)" may be added by amendment provided the omitted item(s) contains only subject matter in common with such prior application(s). In such case, applicant need not respond to the "Notice of Omitted Item(s)". Applicant should submit the amendment adding the omitted material prior to the first Office action on to avoid delays in the prosecution of the application. See MPEP § 601.01(d) and § 601.01(g).

MPEP 201.06(c)B.

Applicant may add the missing pages by way of amendment and without a petition. The issue of new matter is one appropriately addressed by the primary examiner during prosecution of the application after the filing date of the application has been determined.

Accordingly, the petition is **dismissed**.

The petition fee will not be refunded, since the petition was not necessitated by any error on the part of the USPTO.

The application will be accorded the original application filing date of December 23, 2004, using the application papers filed on that date.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THOMAS P. MCCRACKEN
DURECT CORPORATION
10240 BUBB ROAD
CUPERTINO CA 95014

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SEP 13 2005

OFFICE OF PETITIONS

In re Application of
Gibson, et al.
Application No. 11/022,416
Filed: December 23, 2004
Attorney Docket No. SBS-103US

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed August 15, 2005.

The petition is granted.

Petitioner has shown that the non-signing inventor, Arthur J. Tipton, has constructively refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration/statement of facts of Attorney Thomas P. McCracken establishes that the inventor was successfully mailed the application papers, including the specification, claims and drawings, but failed to respond to requests that he sign the declaration. Mr. Tipton has stated that he does not have the time to review the application papers. Petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

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

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

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

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

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

cc: BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVE.; SUITE 200
EAST PALO ALTO, CA 94303

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ARTHUR J. TIPTON
100 HOLLYWOOD BLVD.
BIRMINGHAM, AL 35209

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SEP 1 3 2005

OFFICE OF PETITIONS

LETTER

In re Application of
Gibson, et al.
Application No. 11/022,416
Filed: December 23, 2004
Attorney Docket No. SBS-103US

Dear Mr. Tipton:

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

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

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

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

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: THOMAS P. MCCRACKEN
DURECT CORPORATION
10240 BUBB ROAD
CUPERTINO CA 95014

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MORGAN & FINNEGAN LLP
3 WORLD FINANCIAL CENTER
NEW YORK NY 10281-2101

In re Application of :
Llagostera, et al. :
Application No. 11/022,424 :
Filed: December 22, 2004 :
Attorney Docket No. 4267-4008US1 :

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed January 26, 2006.

The petition under 37 CFR 1.47(a) is **GRANTED**.

Petitioner has shown that non-signing inventor Torres has refused to sign the declaration after having the application papers mailed to his last known address.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The $200 petition fee has been charged to Deposit Account No. 13-4500, as authorized.

The matter is being forwarded to Group Art Unit 1614 for docketing and examination in due course.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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SALAVDOR PUIG TORRES
AV ICARIA
149
2º 1ª
BARCELONA SPAIN 08005

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In re Application of :
Montserrat Monsalvatje Llagostera, :
Marti Bartra Sanmarti, Jaime Tomas :
Navarro, Salvador Puig Torres :
Application No. 11/022,424 : LETTER
Filed: December 22, 2004 :
:

Dear Mr. Torres:

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

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

Joseph D. Eng, Jr.
Morgan & Finnegan LLP
3 World Financial Center
New York, NY 10281-2101
phone: 212-415-8700

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AUG 23 2007

OFFICE OF PETITIONS

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

In re Application of :
SESSER, George L. :
Application No. 11/022,428 : DECISION ON PETITION
Filed: December 27, 2004 : TO WITHDRAW
Attorney Docket No. **737-271** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 25, 2007.

The request is **NOT APPROVED**.

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

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

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

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

Terri Williams

TerriWilliams
Petitions Examiner
Office of Petitions

cc: **VITO CANUSO, ESQ.**
KNOBBE MARTENS OLSON & BEAR LPP
2040 MAIN STREET, 14TH FLOOR
IRVINE, CA 92614-3641

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11TH FLOOR
ARLINGTON, VA 22203

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OCT 16 2007

OFFICE OF PETITIONS

In re Application of :
George L. Sesser :
Application No. 11/022,428 : DECISION GRANTING PETITION
Filed: December 27, 2004 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 737-271 :

This is a decision on the petition, filed October 15, 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 14, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

The revocation and power of attorney filed on September 25, 2007 is not acceptable since it fails to fully satisfy 37 CFR 3.73(b). In this regard, the statement under 37 CFR 3.73(b) in block B fails to provide the chain of title from the inventor of the application to the current assignee. Accordingly, the revocation and power of attorney cannot be granted until an acceptable statement under 37 CFR 3.73(b) has been submitted. A courtesy copy of this decision is being mailed to petitioner herein; however, until such time as an acceptable power of attorney is received, all future correspondence will be directed to the above address of record.

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

---

[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.*

This matter is being referred to Technology Center AU 3752 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

cc:

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

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OCT 17 2007

OFFICE OF PETITIONS

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

In re Application of

SESSER, George L.
Application No. 11/022,428
Filed: December 27, 2004
Attorney Docket No. **737-271**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 13, 2007.

The request is **NOT APPROVED.**

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, (application has been sold/reassigned), does 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 inquires concerning this decision should be directed to the undersigned at 571-272- 4231.

Michelle R. Eason
Petitions Examiner
Office of Petitions

cc: **KNOBBE MARTENS OLSON & BEAR LLP**
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

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HARRY I LEON
924 BOWEN ST NW
ATLANTA GA 30318

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DEC 15 2006

OFFICE OF PETITIONS

In re Application of :
John F. Geiger :
Application No. 11/022,432 : ON PETITION
Filed: December 22, 2004 :
:

This is a decision on the petition to revive under 37 CFR 1.137(a), filed November 15, 2006.

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

The above-identified application became abandoned for failure to reply to the Notice to File Missing Parts mailed February 15, 2005. This Notice set an extendable period for reply of two (2) months for applicant to submit additional fees. No reply having been received, the application became abandoned on April 16, 2005. A Notice of Abandonment was mailed on September 12, 2006.

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 never received the Notice to File Missing Parts. With the instant petition, petitioner has satisfied the requirements to establish non-receipt of an Office action. In particular, petitioner has submitted a copy of a docket report showing where the non-received Notice would have been entered had it been received and docketed.

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 the Office of Initial Patent Examination for pre-examination processing.

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

Cliff by

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).

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Trellis Intellectual Property Law Group, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO, CA 94303

Mail Date: 05/04/2010

Applicant	: Shinichi Araki	: DECISION ON REQUEST FOR
Patent Number	: 7358151	: RECALCULATION of PATENT
Issue Date	: 04/15/2008	: TERM ADJUSTMENT IN VIEW
Application No	: 11/022,457	: 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.

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QUALCOMM, INC
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

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MAR 2 2 2006

OFFICE OF PETITIONS

In re Application of
Aamod Khandekar et al.
Application No. 11/022,482
Filed: December 22, 2004
Attorney Docket Number: 040338

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b). [1], filed February 17, 2006, 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 decision.

This application became abandoned for failure to timely respond to the Notice to File Missing Parts mailed February 7, 2005. Accordingly, a Notice of Abandonment was mailed October 21, 2005.

Pursuant to 37 CFR 1.137(b) however, the instant petition lacks item (2) of the regulation. Effective October 1, 2004, the petition fee was set at $1500.00 for a large entity and $750.00 for a small entity. Therefore and since no authorizations for debiting a deposit account for any deficiencies have been granted, the petition fee has not been paid.

---

[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)).

In view of the above, the application will remain in an abandoned status until such time as the balance of the petition fee has been paid.

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

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

By FAX: (571) 273-8300

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SAN DIEGO CA 92121

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OFFICE OF PETITIONS

In re Application of
Aamod Khandekar et al.
Application No. 11/022,482
Filed: December 22, 2004
Attorney Docket Number: 040338

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b) [1], filed April 11, 2006, to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely respond to the Notice to File Missing Parts mailed February 7, 2005. Accordingly, a Notice of Abandonment was mailed October 21, 2005. A petition filed February 17, 2006 was dismissed in a decision mailed March 22, 2006 because pursuant to 37 CFR 1.137(b), the petition lacked item (2) of the regulation in that the petition fee had not been paid.

Comes now petitioner with the instant renewed petition and an authorization to charge the petition fee to deposit account no. 17-0026.

The petition fee having been charged and all other requirements under 37 CFR 1.137(b) having been met, this matter is being referred to the Office of Initial Patent Examination for further pre-examination processing.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[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)).

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P.O. BOX 52050
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OFFICE OF PETITIONS

In re Application of :
Baxter, et al. :
Application No. 11/022,503 : DECISION ON PETITION
Filed: December 22, 2004 :
Attorney Docket No. 42P19886 :

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

The petition is GRANTED.

The application became abandoned March 28, 2007 for failure to timely file a proper reply to the non-final Office action mailed December 27, 2006. The non-final Office set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed July 13, 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 response to the non-final Office action, (2) the required petition fee, and (3) a proper statement of unintentional delay.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $1,050.00 extension of time fee submitted herewith was subsequent to the maximum period obtainable for reply, this fee is unnecessary. A refund has been requested from the Office of Finance, Refund Section.

The correspondence address indicated on the instant petition differs from that contained in the official record. While the instant petition is being dually mailed, all future correspondence will be directed to the correspondence address until such time as appropriate instruction is received to the contrary.

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

This application is being referred to Technology Center AU 2189 for appropriate action by the Examiner in the normal course of business on the reply received

Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: MOLLY MCCALL
Intel Americas, Inc.
4030 Lafayette Center Drive
Chantilly, VA 20151

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OFFICE OF PETITIONS

PERMAN & GREEN
425 POST ROAD
FAIRFIELD, CT 06824

In re Application of :
Rasoul Sedaghat Kerdar, et al. :
Application No. 11/022,526 : ON PETITION
Filed: December 23, 2004 :
Attorney Docket No. 785-012022-US (C01) :

This is a decision in response to the petition, filed November 27, 2006, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed May 15, 2006. This decision precedes the mailing of a Notice of Abandonment. On November 27, 2006, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,500; and (3) the requisite statement of unintentional delay.

The application is being referred to Technology Center AU 1615 for consideration of the amendment filed November 27, 2006.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Wells Fargo
c/o K& L Gates
Hearst Tower, 47th Floor
214 North Tryon Street
Charlotte, NC 28202

Mail Date: 04/23/2010

Applicant	: Edward R. Kelly	: DECISION ON REQUEST FOR
Patent Number	: 7610617	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/022,534	: 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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DOUGLAS E. DENNINGER
TYCO HEALTHCARE GROUP LP
15 HAMPSHIRE STREET
MANSFIELD, MA 02048

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MAR 13 2009

OFFICE OF PETITIONS

In re Application of :
Robert B. GANTON :
Application No. 11/022,543 : DECISION ON PETITION
Filed: December 22, 2004 :
Attorney Docket No. **CS23881RL** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 18, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed January 15, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 16, 2008.

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

Petitioner failed to provide an amendment that *prima facie* places the application in condition for allowance.

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

Attachment: Courtesy copy of examiners Advisory Action

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 11/022,543	**Applicant(s)** GANTON, ROBERT B.	
	Examiner AUNG T. WIN	**Art Unit** 2617	

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

THE REPLY FILED 18 June 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 _____months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

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

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

NOTICE OF APPEAL

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

AMENDMENTS

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

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

AFFIDAVIT OR OTHER EVIDENCE

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

REQUEST FOR RECONSIDERATION/OTHER

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

Continuation of 11. does NOT place the application in condition for allowance because: The reply filed on 06/18/2008 is not fully responsive to the prior Office Action as set forth in 37 CFR 1.136(a). Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time 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. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

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WILLIAM S. FROMMER
C/O FROMMER LAWRENCE & HAUG LLP
745 FIFTH AVENUE
NEW YORK, NY 10151

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OFFICE OF PETITIONS

In re Application of :
Shigeyuki Yamashita :
Application No. 11/022,547 : ON PETITION
Filed: December 23, 2004 :
Attorney Docket No. 450100-053061 :

This is a decision on the petition filed October 6, 2008 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the formal drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received.

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

Mail Date: 04/20/2010

Applicant	: Hermann Calabria	: DECISION ON REQUEST FOR
Patent Number	: 7657458	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/022,567	: 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 **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.

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
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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

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NOV 25 2008

OFFICE OF PETITIONS

In re Application of	:	
Robert William Dobbs, et al.	:	
Application No. 11/022,594	:	DECISION ON PETITION
Filed: December 22, 2004	:	
Attorney Docket No. 200314585-1	:	

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

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

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

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, March 9, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 10, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (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 undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 2612 for appropriate action by the Examiner in the normal course of business on the reply received July 29, 2008.

April M. Wise
Petitions Examiner
Office of Petitions

cc: JOHN WAGNER
WAGNER BLECHER, LLP
123 WESTRIDGE DRIVE
WATSONVILLE, CA 95076

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Hickman Palermo Truong
& Becker, LLP
2055 Gateway Place
Suite 5500
San Jose, CA 95110

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OFFICE OF PETITIONS

In re Application of
Vishnu NATCHU
Application No. 11/022,599
Filed: December 22, 2004
Attorney Docket No. 60010-0020

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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

The request is **NOT APPROVED**.

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

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

There are no pending Office actions at the present time.

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

April Wise
Petitions Examiner
Office of Petitions

cc: Vishnu Natchu
2831 Malabar Avenue 1
Santa Clara, CA 95051

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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HICKMAN PALERMO TRUONG
& BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110

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JUL 17 2009

OFFICE OF PETITIONS

In re Application of :
Vishnu NATCHU :
Application No. 11/022,599 : DECISION ON PETITION
Filed: December 22, 2004 :
Attorney Docket No. 60010-0020 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 21, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 20, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 21, 2008.

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

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

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

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

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 May 21, 2009.

Thurman K. Page
Petitions Examiner
Office of Petitions

cc: SARA DIRVIANSKIS
2815 MITCHELL DRIVE, SUITE 209
WALNUT CREEK, CA 94598

UNITED STATES PATENT AND TRADEMARK OFFICE

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INTEL CORPORATION
c/o CPA Global
P.O. BOX 52050
MINNEAPOLIS, MN 55402

Mail Date: 04/21/2010

Applicant	: Shubhendu S. Mukherjee	: DECISION ON REQUEST FOR
Patent Number	: 7581152	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/022,600	: 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 **87** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Law Office of Kenneth P. Krohn
2131 Palomar Airport Road
Suite 320
Carisbad, CA 92009

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OFFICE OF PETITIONS

In re Application of	:	
Beal, Bentley	:	DECISION ON PETITION
Application No. 11/022,606	:	TO WITHDRAW
Filed: December 27, 2004	:	FROM RECORD
Attorney Docket No. 163.11	:	

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 28, 2005.

The request is **APPROVED**.

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

The request was signed by Kenneth P. Krohn, the sole attorney of record.

Kenneth P. Krohn has been withdrawn as attorney 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, Bentley Beal, at the address indicated below.

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

Liana Chase
Petitions Examiner
Office of Petitions

Cc:

BENTLEY BEAL
3739 CARNEGIE DRIVE
OCEANSIDE, CA 92056

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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WILLIAM W. HAEFLIGER
201 S. LAKE AVE
SUITE 512
PASADENA CA 91101

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OFFICE OF PETITIONS

In re Application of

Mirzayi, et al. :

Application No. 11/022,609

: DECISION ON PETITION

Filed: December 28, 2004 :

Attorney Docket No. 12,686

This is a decision on the petition under 37 CFR 1.137(b), filed, September 22, 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 Notice of Non-Compliant Amendment mailed December 6, 2005, which set a shortened statutory period for reply of one (1) month from its mailing date. A response was filed on January 3, 2006, which was determined to be deficient. No further responses were filed within the allowable period, and the application became abandoned on January 7, 2006. A Notice of Abandonment was mailed on July 26, 2006

The amendment filed September 22, 2006, is noted.

The application is being forwarded to Technology Center 1700, GAU 1724 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

JAGTIANI + GUTTAG
10363-A DEMOCRACY LANE
FAIRFAX VA 22030

In re Application of :
Goodrich :
Application No. 11/022,646 : DECISION ON PETITION
Filed: December 28, 2004 : TO WITHDRAW
Attorney Docket No. GOOD-0005-CP1 : 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 13, 2006.

The request is **NOT APPROVED**.

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

The request cannot be approved because there remains less than 30 (thirty days) between the date of this decision and the maximum extendable time period for filing a response to the Office action mailed on April 6, 2006. Furthermore the request is unsigned.

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: DAVID P. GOODRICH
14 OX HILL ROAD
NEWTOWN CT 06470

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536 PANTOPS CENTER
 # 234
CHARLOTTESVILLE VA 22911

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AUG 0 8 2008

In re Application of	:	
David P. GOORICH	:	
Application No. 11/022,646	:	DECISION ON PETITION
Filed: December 28, 2004	:	
Attorney Docket No. GOOD.04.CP1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 04, 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, April 06, 2006, which set a shortened statutory period for reply of three (3) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 07, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $770.00; and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of April 06, 2006 is accepted as having been unintentionally delayed.

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

The application file is being referred to Technology Center AU 1772 for appropriate action on the concurrently filed amendment.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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OFFICE OF THE STAFF JUDGE ADVOCATE
U.S. ARMY MEDICAL RESEARCH AND MATERIEL COMMAND
ATTN: MCMR-JA (MS. ELIZABETH ARWINE)
504 SCOTT STREET
FORT DETRICK, MD 21702-5012

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FEB 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Reed W. Hoyt et al	:	
Application No. 11/022,651	:	ON PETITION
Filed: December 28, 2004	:	
Attorney Docket No. RIEM 03-26 07	:	

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

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 8, 2007, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on November 9, 2007.

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

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

This matter is being referred to Technology Center AU 2618 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Chester L. Jordan, II
1100 17th Street N.W. Ste. 401
Washington, DC 20036

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BROOKS KUSHMAN P.C. /Oracle America/ SUN / STK
1000 TOWN CENTER, TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075-1238

Mail Date: 04/21/2010

Applicant	: Charles Milligan	: DECISION ON REQUEST FOR
Patent Number	: 7596700	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/022,710	: 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 **1315** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

NILS H. LJUNGMAN & ASSOCIATES
P. O. BOX 130
GREENSBURG PA 15601-0130

In re Patent No. 7,141,521 :
Issue Date: November 28, 2006 :
Application No. 11/022,717 : DECISION ON PETITION
Filed: December 27, 2004 :
Attorney Docket No. NHL-FMW-02A-C US(SCT) :

This is a decision on the Request For Certificate Of Corrections Branch, filed January 8, 2009, requesting correction on the Title Page of the subject patent, via issuance of a Certificate of Correction under 37 CFR 1.323, to identify the correct name of assignee. The Request is being treated as a Petition. A completed Certificate of Correction Form (PTO/SB/44) was also submitted on January 8, 2009.

The petition under 37 CFR 3.81 is **GRANTED**.

Petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of a Certificate of Correction, to correct the name of the assignee identified thereon from "Schott Glas" to:

--Schott AG--

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 requisite $100.00 fee (Fee Code 1811) as set forth under 37 CFR 1.20(a), have previously been submitted. However, when the petition was filed an additional $100.00 fee (Fee Code 1811) was charged. Therefore, the $100.00 will be reapplied with an additional charge of $30.00 from deposit account authorization to the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i). Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form PTO/SB/44 that was previously submitted.

Inquiries related this communication should be directed to Cheryl Gibson-Baylor at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,141,521.

Brian W. Brown
Petitions Examiner
Office of Petitions

Docket No.: NHL-FMW-02A-C US(SCT)
Patent No.: 7,141,521

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

EXAMINER:	Elizabeth A. BOLDEN
ART UNIT:	1755
PATENT NO.:	7,141,521
ISSUE DATE:	November 28, 2006
SERIAL NO.:	11/022,717
FILING DATE:	December 27, 2004
INVENTORS:	Friedrich SIEBERS; Peter NASS; Gerhard LAUTENSCHLÄGER; and Otmar BECKER
TITLE:	FLAT FLOAT GLASS

Greensburg, Pennsylvania 15601

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

January 8, 2009

ATTENTION: CERTIFICATE OF CORRECTIONS BRANCH

REQUEST FOR CERTIFICATE OF CORRECTIONS BRANCH

Sir:

The above-cited patent was assigned from "Schott Glas" to "Schott AG" on May 18, 2005, as is evidenced in the Notice of Recordation submitted herewith.

Therefore, on the patent cover page, item 73, after "Assignee:", please delete "Schott Glas" and insert "Schott AG".

Adjustment date: 12/03/2009 CKHLOK
01/08/2009 INTEFSW 00007186 11022717
01 FC:1811 -100.00 OP

12/03/2009 CKHLOK 00000004 121/58 11022717
01 FC:1464 30.00 DA 100.00 OP

A payment in the amount of $100.00, representing the Certificate of Correction fee, is submitted herewith. It is respectfully requested that a Certificate of Correction be issued in the above-cited case correcting these errors at an early date.

Please also find submitted herewith one completed Form PTO-1050, Certificate of Correction, for U.S. Patent No. 7,364,299 B2 containing the requested corrections.

If mailed, I, the person signing this certification below, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450, on the date indicated in the certification of mailing on the transmittal letter sent herewith, or if facsimile transmitted, I, the person signing this certification below, hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated in the

certification of facsimile transmission on the transmittal letter which is being facsimile transmitted herewith.

Respectfully submitted,

/Nils H. Ljungman/

Nils H. Ljungman, Esq.
Attorney for the Applicant(s)
Reg. No. 25,997
Name of person signing certification
Nils H. Ljungman & Associates
P.O. Box 130
Greensburg, PA 15601-0130
Telephone:(724) 836-2305
Facsimile:(724) 836-2313

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OFFICE OF PETITIONS

CARSTENS & CAHOON, LLP
PO BOX 802334
DALLAS TX 75380

In re Application of :
Masahiko Komoda :
Application No. 11/022,734 : ON PETITION
Filed: December 27, 2004 :
Attorney Docket No. CONDA.00024 :

This is a decision on the petition, filed June 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 June 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) 272-3208.

The examiner of Technology Center AU 3634 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/022,778	12/28/2004	Miwako Doi	263880US2RD	8596

7590 09/15/2008

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

EXAMINER	
NEWMAN, MICHAEL A	

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
09/15/2008	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.

Kaletus Buchanan

Patent Publication Branch
Office of Data Management

Adjustment date: 09/12/2008 KKING1
01703/2005 ANABI1 00000047 11022778
03 FC:1111 -500.00 OP

Refund Ref:
09/12/2008 0030061029

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1002

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/022,863	12/28/2004	Gavin Jancke	MFCP.115070	8477

45809 7590 03/24/2010

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

EXAMINER	
BEKELE, MEKONEN T	
ART UNIT	**PAPER NUMBER**
2624	

MAIL DATE	DELIVERY MODE
03/24/2010	PAPER

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

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

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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SHOOK, HARDY & BACON L.L.P.
(MICROSOFT CORPORATION)
INTELLECTUAL PROPERTY DEPARTMENT
2555 GRAND BOULEVARD
KANSAS CITY MO 64108-2613

MAIL

MAR 23 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Gavin Jancke :
Serial No.: 11/022,863 :
Filed: December 28, 2004 : DECISION ON PETITION
For: **SYSTEM AND METHOD FOR ENCODING HIGH DENSITY GEOMETRIC SYMBOL SET** : *ACCEPTANCE OF COLOR DRAWINGS*

This is a decision on the petition under 37 CFR §1.84(a)(2) filed December 28, 2004 and November 24, 2008, requesting acceptance of color drawings.

The petition requests that the color drawings identified in Figures 2-4, and 7-18 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
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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MINDGUARD, LTD.
C/O LANDON STARK CANTWELL & PAXTON
c/o Langdon IP, In
1700 Diagonial Road Suite 450
Alexandria VA 22314

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OFFICE OF PETITIONS

In re Application of :

Boaz Nishri et al. :
Application No. 11/022,872 : DECISION ON PETITION
Filed: December 28, 2004 : TO WITHDRAW
Attorney Docket No. MGP-019 : 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 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 attorneys/agents associated with customer number 40888. 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).

Simon Kahn signed the request on behalf of all attorneys of record.

Simon Kahn and all attorneys/agents associated with application have been withdrawn.

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

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

The revocation filed on January 25, 2006 has not been accepted because there is no proper statement under 37 CFR 3.73 (b). I.e. the statement is missing documentary evidence of chain of title.

Telephone inquires concerning this decision should be directed to Charles Smoot at 571-272-3299.

David Bucci
Petitions Examiner
Office of Petitions

cc: Boaz Nishri
Doar Na Menashe
Maagan Michael, Isreal 37805

Cc: Martin D. Moynihan
PRTSI, Inc
P.O. Box 16446
Arlington, VA 22215

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/022,872	12/28/2004	Boaz Nishri	

CONFIRMATION NO. 1163

OC000000020529195

Boaz Nishri
Doar Na Menashe
Maagan Michael, 37805
ISRAEL

Date Mailed: 09/21/2006

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/02/2006.

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.

CHARLES SMOOT
OP (571) 272-3299

ATTORNEY/APPLICANT COPY

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SABIC - 08CU - ULTEM
SABIC Innovative Plastics - IP Legal
ONE PLASTICS AVENUE
PITTSFIELD MA 01201-3697

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In re Application of :
Pressman et al. : DECISION GRANTING PETITION
Application No. 11/022,905 :
Filed: 12/22/2004 :
Attorney Docket No. 155856-1 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 9, 2008, to revive the above-identified application.

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

This application became abandoned on December 18, 2007, for failure to file a timely response to the nonfinal Office action mailed September 17, 2007, which set a three (3) month statutory period for reply.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply, paid the petition fee, and made the proper statement of unintentional delay.

This matter is being referred to Technology Center Art Unit 1625.

Telephone inquiries should be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

C. T Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Gui et al. :
Application No. 11/022,907 : ON PETITION
Filed: December 22, 2004 :
Attorney Docket No. 121787-1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 31, 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 August 7, 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 November 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 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 $1540.00; and (3) a proper statement of unintentional delay.

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

This application is being 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.

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

Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Patricia DeSimone
20 Church Street, 22nd Floor
Hartford, CT 06103

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

Mail Date: 08/04/2010

Applicant	: Oliver Haase	: DECISION ON REQUEST FOR
Patent Number	: 7643626	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/022,915	: 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 **1405** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

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OFFICE OF PETITIONS

In re Patent No. 7,145,636
Application No. 11/022,925
Filed: December 28, 2004
Issued: December 5, 2006
Attorney Docket No. 1857.3600000

ON PETITION

This is a decision on the petition filed January 10, 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**.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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

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

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In re Application of :
MULKENS et al. :
Application No. 11/022,935 : DECISION ON PETITION
Filed: 12/28/2004 :
Attorney Docket No. 081468-0314263 :

This is a decision on the petition under 37 CFR 1.181, filed December 14, 2007, to withdraw the holding of abandonment.

On May 30, 2007, the Office mailed a Restriction Requirement, which set a period of one month or thirty days, whichever was longer, to reply. Extensions of time for response were available. In the apparent absence of a timely filed response, the application became abandoned on July 1, 2007.

In the present petition, petitioners asserted that they timely responded to the Restriction Requirement on June 18, 2007. In support of the assertion, petitioners submitted a copy of their "RESPONSE TO RESTRICTION REQUIREMENT," ("Response") and a copy of a receipt stamped by OIPE acknowledging receipt of the Response on June 18, 2007.

The Office notes that petitioners incorrectly identified the application number in the heading of the Response as 11/002,935, rather than the intended application number of 11/022,935. Nevertheless, the return date-stamped receipt indicated the correct application number.

After a brief search, the Response was located in the file of Application No. 11/002,935. A review of the correspondence indicates that the USPTO received the Response on June 18, 2007, but it was not matched with the file due to the incorrect application number.

Under current Office procedure, if a paper having an incorrect application number contains sufficient information to identify the correct application and was timely received at the Office, the holding of abandonment will be withdrawn. In reviewing the papers, it is concluded that there was sufficient information thereon to associate the papers with the present application file.

For the reasons stated above, the petition is **granted**. The application was not abandoned in fact. The Office will transfer the Response filed on June 18, 2007, from Application No. 11/002,935 to the intended Application No. 11/022,935.

The matter is being referred to Technology Center Art Unit 1794 for review of the Response to the Restriction Requirement filed on June 18, 2007.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3211. All other questions regarding the status of the application or the examination process should be directed to the Technology Center.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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OFFICE OF PETITIONS

In re Patent No. 7,312,852 :
Issue Date: 12/25/2007 :
Application No. 11/022,938 : ON PETITION
Filed: 12/28/2004 :
Attorney Docket No. 081468-0314265 :

This is a decision on the REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 U.S.C. §255 AND PURSUANT TO 37 C.F.R. §1.323, filed April 9, 2009, which is properly treated as a petition under 37 CFR 3.81(b).

Patentees request correction of the front page of the Letters Patent to include the correct assignee data via Certificate of Correction. With the present request, patentees submitted a completed Certificate of Correction form and paid the requisite fees. Furthermore, it is noted that the assignment was recorded with the USPTO prior to the issuance of the patent.

In view of the above, the request under 37 CFR 3.81(b) to correct the assignee data is GRANTED.

The $130.00 fee will be charged to the Deposit Account as authorized.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. 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 as to the assignment information.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

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OFFICE OF PETITIONS

In re Application of :
Gi Bum Lee, et al. :
Application No. 11/022,940 : ON PETITION
Filed: December 28, 2004 :
Attorney Docket No.: 28980.029.00-US :

This is a decision on the petition, filed October 27, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 29, 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).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : February 3, 2009

TO SPE OF : ART UNIT 1647
SUBJECT : Request for Certificate of Correction for Appl. No.: 11/022951 Patent No.: 7426660

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: _____

_____

_____

_____

_____

/Scott T. Baderman/
SPE

2114
Art Unit

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26TH FLOOR
BOSTON MA 02199-7610

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APR 13 2010

OFFICE OF PETITIONS

In re Application of	:	
Allen R. Padwa	:	
Application No. 11/022954	:	ON REQUEST FOR
Filing or 371(c) Date: 12/27/2004	:	RECONSIDERATION OF
Attorney Docket No.	:	PATENT TERM ADJUSTMENT
098104-0106	:	

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705, filed December 21, 2009. Applicants have determined that the patent is entitled to 994 days of PTA, not 456 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants' requests this correction solely on the basis that the Office will take in excess of three years to issue this patent. The request is properly treated under 37 CFR 1.705(b).

Applicants also request that a decision on this request for reconsideration of patent term adjustment be deferred or delayed until after a final decision has been rendered in Wyeth v. Dudas. There is no specific regulatory provision for requesting that a petition under 37 CFR 1.705(d) be held in abeyance. Accordingly, the request to hold in abeyance a decision on the merits of the instant application for patent term adjustment is **DISMISSED**.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

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

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

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions

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[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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SPRINT COMMUNICATIONS COMPANY L.P.
6391 SPRINT PARKWAY
KSOPHT0101-Z2100
OVERLAND PARK, KS 66251-2100

Mail Date: 04/21/2010

Applicant	: Brian John Washburn	: DECISION ON REQUEST FOR
Patent Number	: 7617313	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/022,955	: 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 **1119** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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ROCKFORD IL 61101

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OFFICE OF PETITIONS

In re Application of :
DONALD J. MISCHO :
Application No. 11/023,005 : DECISION ON PETITION
Filed: 12/27/2004 :
Attorney Docket No. MISCHO-7 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 23, 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 January 18, 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 April 19, 2006. A Notice of Abandonment was mailed on August 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 an amendment, (2) the petition fee of $1,500.00; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 3643 for appropriate action by the Examiner in the normal course of business on the reply received July 23, 2007.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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CORNING, NY 14831

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OFFICE OF PETITIONS

In re Application of :
Kulawiec, et al :
Application No. 11/023,018 : ON PETITION
Filed: December 23, 2004 :
Attorney Docket No. 85300.000072 :

This is a decision on the petition under 37 CFR 1.10(c), filed April 8, 2005, 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. EL871322116US (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, 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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Themis Intellectual Property Counsel
7660 Fay Ave Ste H535
La Jolla CA 92037

In re Application of

Mirco Pegoraro

Application No. 11/023,019

Filed: December 23, 2004

Attorney Docket No. UVB 004

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OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 25, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper response to the final Office action mailed March 7, 2008. The final Office action set a shortened statutory period for reply of three months from its mailing date. A response was filed on May 14, 2008. An Advisory Action mailed June 10, 2008, advised that the response of May 14, 2008, failed to place the application in condition for allowance. No further responses were received within the allowable period and the application became abandoned on June 8, 2008.

The Request for Continued Examination and amendment filed September 25, 2008, is noted.

The application file is being forwarded to Technology Center 3600, GAU 3635 for further processing.

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

K. A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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NUTTER MCCLENNEN & FISH LLP
SEAPORT WEST
155 SEAPORT BOULEVARD
BOSTON, MA 02210-2604

Mail Date: 04/20/2010

Applicant	: W. Terrance Godbey	: DECISION ON REQUEST FOR
Patent Number	: 7638331	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/023,020	: 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 **929** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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NUTTER MCCLENNEN & FISH LLP
SEAPORT WEST
155 SEAPORT BOULEVARD
BOSTON, MA 02210-2604

Mail Date: 04/20/2010

Applicant	: W. Terrance Godbey	: DECISION ON REQUEST FOR
Patent Number	: 7638331	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/023,020	: 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 **929** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SUITE 400
WASHINGTON DC 20005

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MAY 30 2008

OFFICE OF PETITIONS

In re Application of :
Tomoyuki Abe et al :
Application No. 11/023,044 : DECISION GRANTING PETITION
Filed: December 28, 2004 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 040684 :

This is a decision on the petition under 37 CFR 1.137(b), filed August 16, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed April 11, 2007, is accepted as having been unintentionally delayed.

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

This application is being referred to the Office of Data Management to be process into a patent.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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SHOOK, HARDY & BACON LLP
2555 GRAND BLVD
KANSAS CITY, MO 64108

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MAY 26 2005

OFFICE OF PETITIONS

In re Application of :
McCallie, et al. :
Application No. 11/023,057 :
Filed: December 27, 2004 :
Attorney Docket No. CRNI.114874-1963 :

DECISION GRANTING PETITION

This is a decision on the petition filed April 8, 2005, requesting that the above-identified application be accorded a filing date of December 27, 2004.

The petition is **granted**.

On December 27, 2004, the above-identified application was filed. On April 4, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" (the "Notice"), stating that the application had not been accorded a filing date because the specification did not contain at least one claim. The Notice also required payment of the filing fee, the filing of an oath or declaration, and an abstract. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on April 8, 2005, applicants filed the present petition and a copy of the claims filed with the original application papers, and a postcard receipt date-stamped by the Office acknowledging having received seventy claims on December 27, 2004, among other items.

Upon review of the record, claims were located among the originally filed application papers. The evidence is convincing, however that seventy claims were present on December 27, 2004. Therefore, the application, including the seventy claims, was complete on filing and entitled a filing date of December 27, 2004.

The executed declaration, drawings, and abstract filed on April 8, 2005, are noted.

The application file will be directed to the Office of Initial Patent Examination for further processing with a filing date of December 27, 2004, using the seventy claims filed on that date. The Office of Initial Patent Examination will issue a corrected filing receipt.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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JUN 2 2 2007

OFFICE OF PETITIONS

In re Application of :
Leigh M. Chintz :
Application No. 11/023,059 : DECISION ON PETITION
Filed: December 27, 2004 : TO WITHDRAW
Attorney Docket No. 034421-193 : FROM RECORD
:

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

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Thelen, Reid & Priests, LLP has been revoked by the assignee of the patent application on March 10, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

April M. Wise
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Enrique Urdaneta Linares :
Application No. 11/023,061 : DECISION ON PETITION
Filed: December 27, 2004 :
Attorney Docket No.: :
13099.0059US01 :
Title: Gestion Commercial de :
Archivos Digitales Encriptados :

This is a decision on the petition filed September 20, 2005, requesting that the above-identified application, including a single claim, be accorded a filing date of December 27, 2004, as part of the original disclosure.

The application was deposited on December 27, 2004. However, on July 20, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application" (notice), stating that the application had not been accorded a filing date, and advising applicants a filing date would be accorded upon the depositing of at least one claim. The notice further indicated that an abstract would be required, and set a two-month period of reply.

In response, on September 20, 2005, applicants filed the present petition. It is noted that the present petition was filed in Spanish, and on July 5, 2005, an English translation was provided to the Office, along with the fee associated with the filing of an specification in a language other than English.

The present petition asserts that a complete specification, including a single claim, in Spanish, was present in the application papers deposited on December 27, 2004. As stated above, an English translation of both the specification and what is purported to be a claim was submitted on July 5, 2005, along with a declaration by Antonette C. Peters stating that the English specification filed therewith was a true and accurate translation of the Spanish language document filed on December 27, 2004.

The English translation of the claims have been located in the Electronic file, and it is clear that a single claim appears on pages 23 and 24 of the same.

Accordingly, the "Notice" mailed on July 20, 2005, was mailed in error and is hereby **VACATED**. The petition fee has been refunded to counsel's deposit account, No. 13-2725, as authorized in the present petition.

The application file will be referred to OIPE for further processing using the 23 pages of Spanish text as the specification and claims, and an indication in Office records that a single claim was submitted on filing. The English copy of the specification and claim, filed on July 5, 2005, will be used for examination purposes.

It is further noted that a one page abstract was submitted with the present petition.

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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KIRTON AND MCCONKIE
60 EAST SOUTH TEMPLE,
SUITE 1800
SALT LAKE CITY, UT 84111

Mail Date: 04/21/2010

Applicant	: Ying-Ta Lin	: DECISION ON REQUEST FOR
Patent Number	: 7668050	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/023,072	: 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 **975** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

In re Application of Jung :
Application No. 11/023,109 : Decision on Petition
Filing Date: December 27, 2004 :
Attorney Docket No. PPW06-566DS :

This is a decision on the petition under 37 CFR 1.181, filed December 14, 2007, to withdraw the holding of abandonment.

The petition is **granted.**

The Office mailed a non-final Office action on May 3, 2007. The non-final Office set a three (3) month shortened statutory period for reply.

The Office did not receive a response to the May 3, 2007 Office action or a request for an extension of time. As a result, a Notice of Abandonment was mailed November 30, 2007.

The instant petition requests the holding of abandonment be withdrawn.

A review of the record indicates petitions has provided sufficient evidence to establish non-receipt of the May 3, 2007 Office action. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Technology Center Art Unit 2891 will be informed of the instant decision and the Technology Center will mail a new non-final Office action. The time period for responding to the new Office action will be set to run from the mailing date of the new Office action.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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THE OLLILA LAW GROUP LLC
2060 BROADWAY
SUITE 300
BOULDER CO 80302

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OFFICE OF PETITIONS

In re Application of :
John R. Bohlen, et al. :: DECISION ON PETITION
Application No. 11/023,113 : TO MAKE SPECIAL
Attorney Docket No. 20501570 : 37 CFR 1.102(d)

This is a decision on the petition under 37 CFR 1.102(d), filed July 26, 2006, to make the above-identified application special.

The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in M.P.E.P. 708.02, Section II: Infringement.

The petition is **GRANTED**

A grantable petition to make an application special under 37 CFR 1.102(d), 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 petitioner meets all the above-listed requirements.

Telephone inquiries concerning this decision should be directed to Mikhail Kornakov at (571) 272-1303 or in his absence, the undersigned at (571) 272-7099.

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

The application file is being referred to Technology Center AU 1724 for expedited prosecution.

David A. Bucci
Petitions Examiner
Office of Petitions

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IGOR TROITSKI
6971 DANCING CLOUD AVE
HENDERSON NV 98011-5009

In re Application of:
TROITSKI, IGOR et al
Serial No.: 11/023,115
Filed: Dec. 28, 2004
Docket: n/a
Title: METHOD AND SYSTEM FOR PRODUCTION OF LASER-INDUCED COLOR IMAGES WHICH CHANGE CHARACTERISTICS DURING OBSERVATION

5/7/09

DECISION ON PETITION

This is a decision on the petition filed on March 5, 2009 seeking to review the Office actions of August 21, 2007, November 27, 2007, January 7, 2008 and April 17, 2008 issued by the examiner as incomplete. This petition is being considered pursuant to 37 CFR §1.181. No fee is required.

The petition is **DISMISSED AS UNTIMELY**.

On pages 12-13 of Paragraph VIII and pages 15-22 of the Evidence for Conclusion of the March 5, 2009 petition, petitioner requests the Office to review the Office actions in this abandoned application because the examiner failed to recognize the claimed invention and address all limitations in claims 19-27.

A review of the record shows that the instant petition was filed almost eleven months after the mailing date of the last Office action of April 17, 2008 (final rejection). Pursuant to 37 CFR 1.181(f)[1], the petition is not timely filed since the petition was not filed within two months of the action complained of. As the petition was not timely filed, the requested review and withdrawal of Office actions can not be granted.

[1] 37 CFR 1.181(f): The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

With regard to the substantive arguments of the particular limitations in the claims regarding a production of laser-inducer color images without using interferential effect and the claimed invention suitable for any crystals and glass samples, petitioner alleges in the Office actions that the examiner used the prior art references, U.S. Pat. 6,596,967 and U.S. Pat. 6,566,626 not relating to the invention. Apparently, petitioner was not satisfied with the examiner's response in her Office actions. In the petition, the issues presented by petitioner are clearly directed to the propriety of the examiner's rejection of claims 19-27 under various sections of applicable 35 USC § 102 and 103 and response to the applicant's argument. The question of whether the examiner has properly considered and interpreted certain claim limitations in the rejection of claims 19-27 under 35 USC § 102 and 103 is clearly an appealable issue under 37 CFR § 41.31(a) (1). According to 37 CFR § 1.181(a)(1)[2], it is clear that petitioner's arguments will not support the requested relief, because the relief requested is simply not the type of relief that can be obtained by petition. The propriety of claim interpretation in a rejection of a claim, ultimately, is to be determined by the Board of Patent Appeals and Interferences in accordance with 37 CFR § 1.181(a) (1).

In view of the record, petitioner's request to review the Office actions is dismissed as untimely. Issues regarding the interpretation of claim limitations in the rejection of claims are appealable and will not be decided by petition. The application has been abandoned for failure to respond to the final-Office action of April 17, 2008. Therefore, the application remains abandoned.

Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED AS UNTIMELY.

Robert Olszewski, Director
Technology Center 3700

[2] 37 CFR § 1.181(a) (1) states: Petition may be taken to the Director: (1) From any action or requirement of any examiner in the ex parte prosecution of an application, or in the ex parte or inter partes prosecution of a reexamination proceeding which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court.

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OFFICE OF PETITIONS

In re Application of :
Anttila, et al. :
Application No. 11/023,129 : DECISION ON PETITION
Filed: December 27, 2004 :
Attorney Docket No. 684-012067-US :
(PAR)

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed January 17, 2008.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely file a proper response to the final Office action, mailed January 19, 2007. This Office action set a shortened statutory period for reply of three (3) months. Applicants filed an Amendment on February 19, 2007. However, the Office informed Applicants in an Advisory Action mailed March 7, 2007 that the Amendment did not place the application in condition for allowance. The Office mailed a Notice of Abandonment on November 14, 2007, stating that no reply had been received.

A review of the application file reveals the presence of a Notice of Appeal and Pre-Appeal Brief Request for Review, both filed on April 19, 2007. Further, a review of Office records indicates that Applicants paid the fee for the Notice of Appeal.

Accordingly, it is concluded that the Notice of Abandonment was mailed in error.

In view thereof, **the holding of abandonment is withdrawn.**

The matter is being forwarded to Group Art Unit 2617 for consideration of the Pre-Appeal Brief Request for Review, filed April 19, 2007.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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SMYRSKI LAW GROUP, A PROFESSIONAL CORPORATION
3310 AIRPORT AVENUE, SW
SANTA MONICA, CA 90405

Mail Date: 04/21/2010

Applicant	: David G. Emery	: DECISION ON REQUEST FOR
Patent Number	: 7664310	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/023,136	: 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 **1384** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.
11/023,141	12/27/2004	Todd D. Jones	59687US002	1352

7590 05/27/2008

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

EXAMINER	
NELSON, MICHAEL E	

ART UNIT	PAPER NUMBER
1794	

NOTIFICATION DATE	DELIVERY MODE
05/27/2008	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: 05/28/2008 NFARMER
01704/2005 HMARZI1 00000018 133723 11023141
02 FC:1111 500.00 CR
04 FC:1201 200.00 CR

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JUN 1 2005

EZRA SHIMSHI
P.O. BOX 421011
ATLANTA, GA 30342

In re application of EZRA SHIMSHI Application No. 11/023,154 Filed: December 27, 2004 For: SYSTEM FOR OBTAINING ROTATIONAL ENERGY FROM AMBIENT FORCES	: : : : : :	**DECISION ON PETITION TO MAKE SPECIAL (APPLICANT'S AGE)**

This is a decision on the petition submitted on December 27, 2004 under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section IV: Applicant's Age.

The petition is **GRANTED**.

An application may be accorded special status upon the filing of a petition providing evidence showing that the applicant is at least 65 years old. Such a showing may be provided by evidence such as a birth certificate or a statement from the applicant.

The evidence submitted with the petition is a copy of Mr. Shimshi's passport indicating that he is at least 65 years of age.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

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

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
(571) 272-6619

RAR/dew: 5/31/05

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HEDMAN & COSTIGAN
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

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OFFICE OF PETITIONS

In re Patent No. 7,017,480	:	
Issue Date: March 28, 2006	:	
Application No. 11/023,171	:	LETTER
Filed: December 27, 2004	:	
Attorney Docket No. 1011-669	:	

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**.

The patent file is being referred to Files Repository.

Wan Laymon
Petitions Examiner
Office of Petitions

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

Mail Date: 04/21/2010

Applicant	: Yukio Oguma	: DECISION ON REQUEST FOR
Patent Number	: 7631224	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/023,184	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/28/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **765** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 04/21/2010

Applicant	: John Barrus	: DECISION ON REQUEST FOR
Patent Number	: 7580164	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/023,208	: 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 **1233** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

In re Patent No. PP16242 :
Issue Date: February 7, 2006 :
Application No. 11/023,224 : ON PETITION
Filed: December 27, 2004 :
Attorney Docket No. BAL6019P2590US :

This is a decision on the petition filed March 27, 2006, 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) 272-3204. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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1745 SHEA CENTER DRIVE, SUITE 330
HIGHLANDS RANCH, CO 80129

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MAY 18 2006

OFFICE OF PETITIONS

In re Application of :
Christopher H. Becker et al :
Application No. 11/023,234 : DECISION ON PETITION
Filed: December 27, 2004 : TO WITHDRAW
Attorney Docket No. SURR.105/C : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 25, 2005.

The request is **NOT APPROVED**.

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

The request cannot be approved because 37 CFR 10.40 states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" Additionally, 37 CFR 10.40 states, "i[f] paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matters pending before the Office unless such request or such withdrawal is because: [. . .]" Reasons a practitioner can permissively withdraw follow the later quotation.

Since the request for withdrawal as attorney or agent submitted on February 25, 2005 provides no reasons for withdrawal, the Office cannot at this time determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request for Withdrawal as Attorney or Agent) to supply practitioner's reasons.

The power of attorney submitted on July 29, 2005 is not accepted. In order for an assignee to take action in a case before the Office, compliance with 37 CFR 3.73(b) must be satisfied. More specifically, 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment submitted for recording) or by specifying (*e.g.*, reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office. A 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).

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

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

Denise Pothier
Petitions Examiner
Office of Petitions

cc: Sheridan Ross PC
1560 Broadway
Suite 1200
Denver, CO 80202

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

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OCT 3 1 2007

OFFICE OF PETITIONS

In re Application of :
Yoshitaka Nose, et al. :
Application No.: 11/023,250 : ON PETITION
Filed: December 21, 2004 :
Attorney Docket No.: 81710.0290 :

This is a decision on the petition, filed October 29, 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 September 24, 2007, in the above-identified application, cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

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

The application is being referred to Technology Center AU 2854 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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ROBERT M. SCHWARTZ, P.A.
P.O. BOX 221470
HOLLYWOOD, FL 33022

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JUL 12 2006

OFFICE OF PETITIONS

In re Application of :
Stephen O. Slatter :
Application No. 11/023,256 : ON PETITION
Filed: December 27, 2004 :
Attorney Docket No. RMS-TA-126.007 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 21, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 21, 2005, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 22, 2005.

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

This matter is being referred to Technology Center AU 3632 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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RODMAN RODMAN
10 STEWART PLACE
SUITE 2CE
WHITE PLAINS, NY 10603

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JUN 2 1 2010

OFFICE OF PETITIONS

In re Patent No. 7,140,526 :
Issue Date: November 28, 2006 :
Application No. 11/023,270 : ON PETITION
Filed: December 27, 2004 :
Attorney Docket No. RR-576 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

The patent file will be forwarded to the Files Repository.

Alicia Kelley
Petitions Examiner
Office of Petitions

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KAMILO FEHER
44685 COUNTRY CLUB DRIVE
EL MACERO CA 95618

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MAY 08 2008

In re Application of :
Kamilo FEHER :
Application No. 11/023,279 : ON PETITION
Filed: December 28, 2004 :
Attorney Docket No. BROAD 04-set :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 29, 2008 and a petition supplemental thereto filed April 4, 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 submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed September 25, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on December 26, 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 number (3).

Neither the originally filed petition on January 29, 2008, nor the petition supplemental thereto filed April 4, 2008, includes any statement regarding the nature of abandonment of the instant application being unintentional or unavoidable. The petition fees of $1540, paid on January 29, 2008, appears to suggest that the petitioner intended to file for revival of the instant application under the unintentional provisions of 37 CFR 1.137(b). Petitioner is strongly encouraged to consider utilizing the petition form (PTO/SB/64) if the application was, in fact, abandoned unintentionally. A copy of the form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

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 Ramesh Krishnamurthy at (571) 272-4914.

David Bucci
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement.

PTO/SB/64 (01-08)
Approved for use through 05/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

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

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

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

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

1.Petition fee

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

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

2. Reply and/or fee

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

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

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

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

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

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

3. Terminal disclaimer with disclaimer fee

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

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

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

WARNING:

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

_____ Signature

_____ Date

_____ Typed or printed name

_____ Registration Number, if applicable

_____ Address

_____ Telephone Number

_____ Address

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

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

I hereby certify that this correspondence is being:

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

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

_____ Date

_____ Signature

_____ Typed or printed name of person signing certificate

Privacy Act Statement

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

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

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

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KAMILO FEHER
44685 COUNTRY CLUB DRIVE
EL MACERO CA 95618

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JUL 29 2008

OFFICE OF PETITIONS

In re Application of :
Kamilo **FEHER** :
Application No. 11/023,279 :
Filed: December 28, 2004 :
Attorney Docket No. **BROAD 04-set** :

ON PETITION

This is a decision on the renewed petition under the provisions of 37 CFR 1.137(b), filed May 16, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed September 25, 2007, which set a period for reply of three (3) months. Accordingly, the application became abandoned on December 26, 2007.

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

Telephone inquiries concerning this decision should be directed to Lori Baker Amerson at (571) 272-6052.

The application file is being referred to Technology Center AU 2611 for appropriate action by the Examiner.

for David Bucci
Petitions Examiner
Office of Petitions

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255 S ORANGE AVE
SUITE 1401
ORLANDO, FL 32801

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JUN 19 2008

OFFICE OF PETITIONS

In re Application of :
Frederick Tepper, et al. :
Application No. 11/023,281 : DECISION ON PETITION
Filed: December 27, 2004 : TO WITHDRAW
Attorney Docket No. 32292.CON : 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 28, 2007

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Allen, Dyer, Doppelt, Milbrath & Gilchrist, PA has been revoked by the assignee of the patent application on December 17, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: ALICIA M. PASSERIN, ESQ.
COHEN & GRIGSBY, PC
11 STANWIX STREET
15TH FLOOR
PITTSBURGH, PA 15222-1319

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COHEN & GRIGSBY, P.C.
625 LIBERTY AVENUE
PITTSBURGH PA 15222-3152

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MAY 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Tepper et al.	:	
Application No. 11/023,281	:	ON PETITION
Filed: December 27, 2004	:	
Attorney Docket No. 07-304 CIP	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed January 27, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and an Amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $1,110.00 extension of time fee submitted with the petition on January 27, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

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

This matter is being referred to Technology Center AU 1797 for further processing of the Request for Continued Examination (RCE) under 37 CFR 1.114 filed concurrently with the instant petition.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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JUN 30 2006

Perry M. Fonseca
KAPLAN, GILMAN, GIBSON & DERNIER LLP
900 Route 9 North
Woodbridge, NJ 07095

In re Application of: JOHN AUERSBER, JR. Serial No.: 11/023,286 Filed: 27 December 2004 Docket: 232/7X3 Title: NOVELTY BAGS	DECISION ON REQUEST FOR PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02(VIII)

This is a decision on the petition filed on December 5, 2005 to make the above-identified application special under the accelerated examination procedure set forth in MPEP § 708.02(VIII) and in accordance with 37 C.F.R. § 1.102(d).

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

In support of the petition, petitioner provides: A) the applicable fee; B) a statement that examination is for a single invention and that applicant will make an election without traverse if the examiner properly determines the claims are not directed towards a single invention; C) a statement that a search has been made on the US PTO database in Class D3, Subclasses 233, and 249; and Class D10, Subclasses 1-40, and 122-132; Class 24, Subclass 163; Class 150, Subclasses 100, 106, and 131-136; and Class 368, Subclasses 10, 88, and 281; D) a PTO-1449 IDS listing references considered pertinent; and E) a detailed discussion of the references.

For accelerated examination under MPEP § 708.02(VIII) in accordance with 37 C.F.R. § 1.102(d), a showing of the following is required: A) the applicable petition fee; B) all claims are directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, applicant will make an election without traverse; C) a statement that a pre-examination search was made, listing the field of search by class and subclass; 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.

All the requirements of MPEP § 708.02(VIII)(A), (B), (C), (D), and (E) are considered to have been met.

For the above-mentioned reasons, the petition is granted. The application will therefore be taken up by the examiner for action in its accelerated turn.

Any inquiry regarding this decision should be directed to Allan Shoap, Special Program Examiner, at (571) 272-4514.

Karen M. Young

Karen M. Young, Director
Technology Center 3700

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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PATRICK G. BURNS, ESQ.
GREER, BURNS & CRAIN, LTD.
300 SOUTH WACKER DRIVE, SUITE 2500
CHICAGO, IL 60606

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JAN 30 2008

OFFICE OF PETITIONS

In re Application of	:	
NAKAJIMA, et al.	:	
Application No. 11/023,298	:	DECISION GRANTING PETITION
Filed: December 27, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No.	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 22, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid on December 20, 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 2115 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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PETER I. LIPPMAN
17900 MOCKINGBIRD LANE
RENO NV 89506

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JUN 14 2006

OFFICE OF PETITIONS

In re Application of :
Lubard et al. :
Application No. 11/023,299 : ON PETITION
Filed: December 27, 2004 :
Title of Invention: Lidar with Streak-Tube :
Imaging, Including Hazard Detection In Marine :
Applications; Related Optics :

This is a decision on the petition filed January 27, 2006 under 37 CFR 1.137(a).

The petition to revive under 37 C.F.R. § 1.137(a) is **DISMISSED**.

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

This above-identified application became abandoned for failure to file a complete response to a Notice to file Missing Parts of a Nonprovisional Application which was mailed on April 5, 2005. The Notice to File Missing Parts set a two (2) month period for reply. A response to the Notice of Missing Parts was filed on June 9, 2005 (certificate of mailing June 6, 2005). A Notice of Incomplete Reply was mailed on June 22, 2005 indicating a reply had not been received. The time period for reply to the Notice of Incomplete Reply continued to run from the original period set in the Notice of Missing Parts. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on June 6, 2005. This decision precedes the mailing of a Notice of Abandonment.

Petitioner contends the Notice of Incomplete Reply was never received. Petitioner further contends that the Notice of Incomplete Reply requesting additional fees fails to state the reasons for the requirement and that no fees are actually required. Lastly petitioner has requested that the petition fee be waived.

Petition to revive under 37 CFR 1.137(a)

A grantable petition under 37 C.F.R. § 1.137(a) must be accompanied by:
(1) the required reply,[1]
(2) the petition fee,
(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) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

The instant petition lacks item (3).

As to item (3), the showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable within the meaning of 37 C.F.R. § 1.137(a).

The Office may revive an abandoned application if the delay in responding to the relevant outstanding office requirement is shown to the satisfaction of the Director to have been "unavoidable." See, 37 C.F.R. § 1.137(a)(3). Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887) (the term "unavoidable" is applicable to ordinary human affairs, and requires no more greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case by case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). A petition to revive an application as unavoidably abandoned cannot be granted where petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2D 1130 (N.D. Ind. 1987).

A review of the record indicates no irregularity in the mailing of the Notice, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice of Incomplete Reply was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. The showing required to establish the failure to receive an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a two month period for reply was set in the nonreceived Notice of Missing Parts , a copy of the docket report showing all replies docketed for a date two months from the mail date of the nonreceived Notice of Missing Parts must be submitted as documentary proof of nonreceipt of the Notice of Missing Parts.[2] The

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

[2] 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).

showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Notice of Incomplete Reply may have been lost after receipt rather than a conclusion that the Notice of Incomplete Reply was lost in the mail. Petitioner has failed to provide a copy of the docket record.

As to petitioner's contention that the Notice failed to state the reason for requirement, the Notice of Incomplete Reply clearly states that petitioner failed to completely submit the requirements of the Notice of Missing Parts. Specifically the Notice of Missing Parts required petitioner submit the examination and search fees. Pursuant to 35 U.S.C. 41 the submission of both the examination and search fees are required for applications filed after December 8, 2004. Since this application was filed after December 8, 2004, petitioner has failed to present an explanation why it is believed that examination and search fees are not applicable to the above-identified application.

Petitioner's request for refund of the petition fee must also be dismissed. 35 U.S.C. 41(a) (7) provides that a petition for the revival of an unintentionally abandoned application or for the unintentionally delayed payment of the issue fee must be accompanied by the petition fee set forth in 37 CFR 1.17(m), unless the petition is filed under 35 U.S.C. 133 or 151 (on the basis of unavoidable delay), in which case the fee is set forth in 37 CFR 1.17(l). The payment of a petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of the abandoned application, and cannot be waived.

Alternative Venue

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 C.F.R. § 1.137(b) must be accompanied by the required reply, the required petition fee, and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional.

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

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building

401 Dulany Street
Alexandria, VA 22314

Telephone inquiries 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

PETER I. LIPPMAN
17900 MOCKINGBIRD LANE
RENO NV 89506

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OFFICE OF PETITIONS

In re Application of :
Lubard et al. :
Application No. 11/023,299 :
Filed: December 27, 2004 :
Title of Invention: Lidar with Streak-Tube :
Imaging, Including Hazard Detection In Marine :
Applications; Related Optics :

ON PETITION

This is a decision on the renewed petition filed June 27, 2006 under 37 CFR 1.137(a).

This above-identified application became abandoned for failure to file a complete response to a Notice to file Missing Parts of a Nonprovisional Application which was mailed on April 5, 2005. The Notice to File Missing Parts set a two (2) month period for reply. A response to the Notice of Missing Parts was filed on June 9, 2005 (certificate of mailing June 6, 2005). A Notice of Incomplete Reply was mailed on June 22, 2005 indicating a reply had not been received. The time period for reply to the Notice of Incomplete Reply continued to run from the original period set in the Notice of Missing Parts. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on June 6, 2005. This decision precedes the mailing of a Notice of Abandonment. A petition filed under 37 CFR 1.137(a) was dismissed on June 14, 2006.

The requirements for a grantable petition under 37 CFR §1.137(a) have been met. This petition is hereby **Granted**.

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

DEC 27 2006

JIANCHAO SHU
3719 FALLS TRAIL
WINSTON GA 30187

In re Application of:
SHU, JIANCHAO
Serial No.: 11/023330
Filed: Dec. 27, 2004
Docket: n/a
Title: FLUID CONTROL SYSTEM AND STEM JOINT

DECISION ON PETITION TO REVIEW ELECTION OF INVENTIONS

This is a decision on the petition filed Sep. 19, 2006 to invalidate the Office action of Aug. 31, 2006 and allow the applicant to switch election of an invention after receipt of an Office action on the merits on a previously elected invention. The petition is considered pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required. The petition fee, $130.00 paid will be refunded upon request.

The petition is **dismissed**.

In his Sep. 19, 2006 petition, the applicant requested a switch of election based on misunderstanding of the oral election in August 2006.

REVELANT FACTS

The record shows that:

On June 19, 2006, a requirement for restriction was mailed to Petitioner. It is noted that the Petitioner did not traverse the restriction requirement under MPEP 806.05(d).

On July 19, 2006, Petitioner submitted an amendment that did not include an election of an invention.

On July 28, 2006, Petitioners submitted another amendment that also did not include an election of an invention.

After July 28, 2006 but prior to August 31, 2006, the examiner made a telephone call to Petitioner to obtain an election of one of the claimed inventions pursuant to the outstanding restriction requirement and the petition corroborates this.

On August 31, 2006, an Office action was mailed acknowledging that the invention of Group I had been elected without traverse and including an action on the merits of the elected invention.

On September 19, 2006, Petitioner filed this petition stating that in the telephone conversation with the examiner that he had "stated that the first claim is the choice". Thus petitioner contends that he had elected the invention covered by the first claim and not the invention of Group I.

DISCUSSION

When an examiner makes a restriction requirement, the requirement must establish the patentably distinct inventions by separate groupings; e.g. Group I, Group II, etc. In response to the restriction requirement, applicants are required to make an election of one of the groups of invention. See 35 U.S.C. 121 and MPEP, Sections 817 and 818.

In this application, the examiner was led to believe that petitioner had elected the invention of Group I when he has "stated that the first claim is the choice" simply because it is well-established Office practice to refer inventions in Groups when dealing with restriction requirements. An actual election of "the first claim" would not have been interpreted by the examiner as a bona fide response to the restriction requirement. Thus, in order for petitioner's election to have constituted a valid response to the restriction requirement, the examiner deemed that the election was made to prosecute the invention of Group I, directed to a stem joint which is classified in class 251, subclass 213. Even though Petitioner may have intended to elect the invention that is covered by the first claim pending at the time, Office practice acknowledges an election of a claimed invention only based on its grouping in the written restriction requirement. Moreover, this is why the examiner's Office action always points out the invention group that an applicant elects for prosecution. Subsequent to the telephone conversation, the examiner issued a non-final Office action on the merits for the elected invention in accordance with the rules and regulations.

Based on the reasons as stated above, the petitioner's request to invalidate the Office action of Aug. 31, 2006 cannot be granted because petitioner provided no basis to invalidate the Office action of Aug. 31, 2006. With regard to the request to switch the election after receipt of an Office action on the merits for the previously elected invention, the request also cannot be granted. According to MPEP 819[1], a request to switch an election after receipt of an Office action on the merits of an elected invention is not allowed.

The petition is DISMISSED.

It is noted that the Office action mailed August 31, 2006 remains outstanding and that Applicant must respond within the shortened statutory period or obtain a proper extension of time for

[1] MPEP 819 [R-3] Office Generally Does Not Permit Shift
The general policy of the Office is not to permit the applicant to shift to claiming another invention after an election is once made and action given on the elected subject matter.

making a response if the shortened statutory period has already been completed. However, any renewed petition must be filed within two months of the date of the Decision and the time for taking appropriate action in reply to the outstanding Office action of Aug. 31, 2006 will not be stayed either by the filing of the instant petition or renewed petition (see 37 CFR 1.181f). Any inquiry regarding this decision should be directed to Henry Yuen, Special Program Examiner, at (571) 272-4856.

Karen M. Young

Karen M. Young, Director
Technology Center 3700

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Wenderoth, Lind & Ponack, LLP
2033 K Street N.W.
Suite 800
Washington, DC 20006-1021

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OFFICE OF PETITIONS

In re Application of :
Tadashi Hagihara :
Application No. 11/023,339 : DECISION ON PETITION
Filed: December 29, 2004 : TO MAKE SPECIAL UNDER
Attorney Docket No. 2004_2051 : 37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 10, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a signed declaration by the applicant. Accordingly, the above-identified application has been accorded "special" status.

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

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 3754 for action on the merits commensurate with this decision.

Frances Hicks
Petitions Examiner
Office of Petitions

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

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In re Patent No. 7,021,280 :
Issue Date: April 4, 2006 :
Application No. 11/023,358 : ON PETITION
Filed: December 29, 2004 :
Attorney Docket No. 122248 :

This is a decision on the petition filed April 28, 2006, 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**.

It is noted that the requested certificate of correction was mailed on August 1, 2006, prior to the rendering of a decision on the request under 37 CFR 3.81. Nevertheless, in view of the granting of the request by this decision, the actions taken by the Certificates of Correction Branch in mailing the certificate of correction on August 1, 2006 are hereby ratified.

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

Frances Hicks
Petitions Examiner
Office of Petitions

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

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JUN 8 - 2005

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

MILES & STOCKBRIDGE, P.C.
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

In re Application of :
Richard J. DITZIK :
Application No. 11/023,361 : DECISION ON PETITION
Filed: December 29, 2004 : TO MAKE SPECIAL
For: **DESKTOP COMPUTER CONFERENCING SYSTEM** :

This is a decision on the petition filed December 29, 2004 under 37 CFR §1.102(d) to make the application special.

A grantable petition under 37 CFR §1.102(d) and MPEP §708.02, section II (Infringement), must be accompanied by the required fee and a statement alleging:

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

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

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

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

Doris To
Special Program Examiner
Technology Center 2600
Communications

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United States Patent and Trademark Office
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 05/25/2010

Applicant	: Carlo Carbonini	: DECISION ON REQUEST FOR
Patent Number	: 7621212	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/023,423	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1192** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

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OFFICE OF PETITIONS

In re Application of :
Nak-Kyu Park :
Application No. 11/023,433 : ON PETITION
Filed: December 29, 2004 :
Attorney Docket No. 070679-0037 :

This is a decision on the papers styled, "Response to Notice of Omitted Item(s) in a Nonprovisional Application," filed March 21, 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 29, 2004, including page 41 of the specification.

The application was filed on December 29, 2004. However, on March 15, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (Notice) that stated the application had been accorded a filing date, but page 41 of the specification appears to have been omitted.

In response, on March 21, 2005, the instant petition and a copy of page 41 of the specification were submitted. The instant petition is accompanied by a copy of applicant's postcard receipt that acknowledges receipt of "41 pages of Specification" on December 29, 2004. A review of the application file indicates the presence of forty (40) pages of specification. It is assumed that page 41 of the specification was misplaced by the Office.

In view of the above, the petition is granted.

The petition fee has not been charged.

This application will be returned to OIPE for further processing with a filing date of December 29, 2004, using the copy of page 41 of the specification, supplied on March 21, 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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Morrison & Foerster LLP
1650 Tysons Boulevard
Suite 400
Mclean, VA 22102

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OFFICE OF PETITIONS

In re Application of :

Jin-Kook Yoon et al. :
Application No. 11/023,463 : DECISION ON PETITION
Filed: December 29, 2004 : TO WITHDRAW
Attorney Docket No. 300602004800 : 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 **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 Barry E. Bretschneider 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.

The application became abandoned for failure to timely respond to the Office action mailed January 5, 2007.

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: **Jin-Kook Yoon**
Hyundai Apt. 104-404
Hagye-Dong, Nowon-Gu
Seoul
Republic of Korea

cc: **Raj S. Dave, Ph.D**
Darby & Darby P.C.
1500 K Street, N.W.
Suite 250
Washington, D.C. 20005-1714

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/023,463	12/29/2004	Jin-Kook Yoon	300602004800

CONFIRMATION NO. 9794

OC000000025790110

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

Date Mailed: 09/12/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/24/2007.

- 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.

Gerri Williams

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

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

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FEB 27 2007

Director's Group 3700

In re Application of
Ito et al.
Application No. 11/023,503
Filed: 29 December 2004
Attorney Docket No. 264057US3

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed 3 November 2006, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fail to include:

All the claims in the U.S. application do not sufficiently correspond or have been amended to sufficiently correspond to the allowable/patentable claims in the JPO application(s). It is noted

that applicant filed a preliminary amendment on 04 December 2006 cancelling claims 8 and 16-19. However, in the pending application:

claim 3 does not sufficiently correspond to the allowed English translated Japanese claims in that this claim does not include the "wherein" clause found in Japanese claim 4, lines 6-8;

claim 7, the term "completion" in line 7 does not sufficiently correspond to "commencement" found in English translated Japanese claim 5, line 6; and

claim 12 does not sufficiently correspond to the allowed Japanese claims in that this claim does not include the "carrier" found in English translated Japanese claim 11, lines 4 and 5.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be faxed to Greg Vidovich at 571/273-4415.

Telephone inquiries concerning this decision should be directed to Greg Vidovich at 571/272-4415.

Greg Vidovich
Training Quality Assurance Specialist
Technology Center 3700

HD

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/023,503	12/29/2004	Masatoshi Ito	264057US3	1431

22850 7590 04/30/2007

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

EXAMINER	
PANG, ROGER L	

ART UNIT	PAPER NUMBER
3681	

NOTIFICATION DATE	DELIVERY MODE
04/30/2007	ELECTRONIC

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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

In re Application of	:	
ITO, MASATOSHI et al	:	DECISION ON REQUEST TO
Application No. 11/023,503	:	PARTICIPATE IN PATENT
Filed: Dec. 29, 2004	:	PROSECUTION HIGHWAY
Attorney Docket No. 264057US3	:	PILOT PROGRAM AND PETITION
For: CONTROL SYSTEM FOR HYBRID VEHICLES	:	TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the renewed petition under 37 CFR 1.102(d), filed Mar. 26, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Receipt of the second Preliminary Amendment, which amends claims 3, 7 and 12, is hereby acknowledged. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

All other inquiries concerning the examination or status of the application should be directed to the examiner, Mr. Roger Pang at 571-272-4096.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Karen M. Young, Director
Technology Center 3700

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Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York, NY 10036

Mail Date: 04/21/2010

Applicant	: Zvika Gilad	: DECISION ON REQUEST FOR
Patent Number	: 7625338	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/023,524	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **945** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON, DC 20006

Mail Date: 05/21/2010

Applicant	: Austin Lobo	: DECISION ON REQUEST FOR
Patent Number	: 7653136	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/023,547	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1428** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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ANNANDALE VA 22003

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OFFICE OF PETITIONS

In re Application of :
Ming-Daw et al. :
Application No. 11/023,566 : DECISION ON PETITION
Filed: December 29, 2004 :
Attorney Docket No. 189106-291 :

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

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the final Office action mailed April 25, 2008. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on July 26, 2008. A Notice of Abandonment was mailed November 7, 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.

The address given on the petition differs from the new address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

The file is now being forwarded to Technology Center 3766 for processing of the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Justin King
1940 Duke St.
Suite 200
Alexandria, VA 22003

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

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FEB 12 2010

In re Application of	:	
Wensheng Wang, et al.	:	
Application No. 11/023,576	:	DECISION GRANTING PETITION
Filed: December 29, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 043131	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 12, 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 28, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. 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 2818 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure sstatement

/AMW/
April M. Wise
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.*

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 11023576 Total Records Found: 17

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
02/16/2010	00001472	4	1801	$810.00	02/12/2010	CC
12/29/2009	00005187	4	1504	$300.00	12/28/2009	CC
12/29/2009	00005186	4	1501	$1,510.00	12/28/2009	CC
12/29/2009	00005188	4	8001	$9.00	12/28/2009	CC
06/05/2009	00000054	1	1251	$130.00	06/04/2009	CK
01/22/2009	00002327	4	1801	$810.00	01/21/2009	CC
01/22/2009	00002326	4	1252	$490.00	01/21/2009	CC
04/29/2008	00000068	1	1252	$460.00	04/28/2008	CK
10/24/2007	00000074	1	1801	$810.00	10/23/2007	CK
10/24/2007	00000075	1	1252	$340.00	10/23/2007	CK
09/21/2007	00011409	4	1251	$120.00	09/21/2007	CC
06/15/2007	00000289	1	1806	$180.00	06/14/2007	CK
03/12/2007	00000072	1	1251	$120.00	03/09/2007	CK
01/04/2005	00000087	1	8021	$40.00	12/29/2004	CK
01/04/2005	00000086	1	1311	$200.00	12/29/2004	CK
01/04/2005	00000085	1	1111	$500.00	12/29/2004	CK
01/04/2005	00000084	1	1011	$300.00	12/29/2004	CK

02/16/2010 LDIEP1 00000002 502866 11023576
01 FC:1464 130.00 DA

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of:
Trygve Frederik MARTON, et al.
Application No. 11/023,586
Filed: December 29, 2004
For: **SYSTEM AND METHOD FOR ENHANCED SUBJECTIVE STEREO AUDIO**

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the renewed petition filed August 24, 2006 under MPEP§708.02 VIII requesting accelerated examination.

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

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

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

Krista Zele
Quality Assurance Specialist
Technology Center 2600
Communications

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MERCHANT & GOULD (MICROSOFT)
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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OFFICE OF PETITIONS

In re Application of
Ryogo Kanatani et al.
Application No. 11/023,602
Filed: December 29, 2004
Attorney Docket No. 14917.148USU2

ON PETITION

This is a decision on the petition filed October 1, 2007 under 37 CFR 1.181 to withdraw the holding of abandonment, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

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

This application became abandoned May 17, 2007 for failure to file a timely response to the non-Final Office Action mailed February 16, 2007 which set a three (3) month period for reply. Accordingly, a Notice of Abandonment was mailed August 23, 2007.

Petitioner claims that the Office Action mailed February 16, 2007 was never received at the address provided with the Oath filed April 4, 2005 in response to the Notice to File Missing Parts mailed February 14, 2005 and that the Office Action was mailed to the previous address of record. Petitioner's argument is based on the fact that the oath properly indicated the correct address but instead the USPTO mailed it to the address on the Application Data Sheet (ADS) filed with the application. Thus, the Notice was mailed to an incorrect address.

Although petitioners received all correspondences incorrectly addressed and mailed by the USPTO even after the Oath was filed April 4, 2005 except the office action mailed February 16, 2007, a review of the evidence filed, including a copy of the docket wherein the Office Action would be noted if it had been received, establishes that the customer number provided with the Oath was not associated with this application. Thus, the Office Action was mailed to the wrong address and as petitioners claim, not received.

In view of the above, no petition fees are due and none have been charged.

Accordingly, the holding of abandonment is withdrawn and no petition fee is due.

This matter is being referred to Technology Center 2876 for a re-mailing of the Office Action originally mailed February 16, 2007 and for a restarting of the period for response.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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P.O. BOX 9744
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OFFICE OF PETITIONS

In re Application of	:	
Odio-Paez et al.	:	
Application No. 11/023,616	:	DECISION ON PETITION
Filed: December 29, 2004	:	
Attorney Docket No. XYC-0002	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 2, 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 timely obtained. Accordingly, the application became abandoned on June 3, 2007. A Notice of Abandonment was mailed November 13, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $770.00, and (3) an adequate statement of unintentional delay.

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 $525.00, three month extension of time fee submitted on May 22, 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 2164 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

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

Mail Date: 04/20/2010

Applicant	: Tomo Tsuboi	: DECISION ON REQUEST FOR
Patent Number	: 7602535	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/023,619	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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HOUSTON TX 77057-2631

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MAR 10 2009

OFFICE OF PETITIONS

In re Application of :
Thomas Piazza et al :
Application No. 11/023,639 : DECISION ON PETITION
Filed: December 29, 2004 :
Attorney Docket No. ITL.2066US (P19319) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 9, 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 RCE and an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final rejection mailed July 10, 2008, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 2628 for appropriate action by the Examiner in the normal course of business on the reply received February 9, 2009.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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

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OFFICE OF PETITIONS

In re Application of :
Abdur R. Chowdhury et al :
Application No. 11/023,643 : DECISION ON PETITION
Filed: December 29, 2004 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 06975-600001 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed July 2, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED.**

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

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

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

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

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

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 2163 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

Karen Creasy
Petition Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/023,643	12/29/2004	2163	1680	06975-600001	20	3

CONFIRMATION NO. 6039

CORRECTED FILING RECEIPT

26171
FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

Date Mailed: 03/06/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Abdur R. Chowdhury, Oakton, VA;
Gregory S. Pass, Reston, VA;

Power of Attorney:

John Hayden--37640
Walter Renner--41265
Gregory Walters--41366
James Bramson--41632
Brian Dorini--43594
Joseph Key--44827
Diana DiBerardino--45653
Alexander Franco--45753
Kevin Greene--46031
Barbara Benoit--54777

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/584,137 07/01/2004

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 **US 11/023,643**

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

Query disambiguation

Preliminary Class

707

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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KIMBERLY-CLARK WORLDWIDE, INC.
401 NORTH LAKE STREET
NEENAH WI 54956

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APR 17 2007

OFFICE OF PETITIONS

In re Application of :
Sarbo, et al. :
Application No. 11/023,717 :
Filed: December 28, 2004 :
Attorney Docket No. 18,904 :

ON PETITION

This is a decision on the petition, filed April 2, 2007 (certificate of mailing date March 28, 2007), under 37 CFR 1.47(a), which is being treated under 37 CFR 1.183 to waive 37 CFR 1.131 to the extent that it requires that all of the named inventors execute the declaration filed thereunder. [1]

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.183." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A Rule 183 petition fee is currently $400.00. Petitioners have been charged $200.00. The balance due, or $200.00, will be charged to deposit account no. 11-0875.

Petitioners assert that, while all of the named inventors contributed to the conception of the claimed invention which is under rejection, only inventors Sarbo, Bauer, Fulscher and Imsangjan have agreed to execute the attached declaration under 37 CFR 1.131 in support of establishing conception of the claimed invention prior to May 27, 2004.

Petitioners allege that Inventor Wen Z. Schroeder has refused to sign the declaration under 37 CFR 1.131 and request that the Office accept the declaration executed by less than all the joint inventors.

[1] Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. The instant petition is properly treated under 37 CFR 1.183.

37 CFR 1.131(a) states,

> When any claim of an application or a patent under reexamination is rejected, the inventor of the subject matter of the rejected claim, the owner of the patent under reexamination, or the party qualified under §§ 1.42, 1.43, or 1.47, may submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference or activity on which the rejection is based.

The Office has stated the signature requirements can be waived in certain circumstances.

(1) The assignee or other party in interest can sign the affidavit or declaration if none of the inventors will sign the declaration. See MPEP 714.

(2) The affidavit or declaration can be signed by fewer than all the inventors if the other inventors are deceased, refuse to sign, or are unavailable.

Petitioners have failed to prove the non-signing inventor, Wen Z. Schroeder, has refused to sign the declaration.

While this is not a petition under 37 CFR 1.47(a), it is evaluated much the same way a petition under 37 CFR 1.47(a) is. In order to prove refusal, the non-signing inventor must be presented with the declaration at issue. The petition establishes that Ms. Schroeder did not have the opportunity to review the declaration. She supposedly informed an unnamed administrative assistant that she was unavailable to review and sign the declaration, when the unnamed administrative assistant offered to come to her home with it. It is noted that a person with firsthand knowledge has not provided details regarding the conversation and there is no mention of an express refusal.

A copy of the declaration should be mailed to Ms. Schroeder at her last known address, return receipt requested. A cover letter of instructions should accompany the mailing of the declaration setting a deadline for response and including a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as certified mail return receipt, cover letter of instructions, telegram, etc. *See* MPEP 409.03(d).

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by petitioners that a non-signing inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever a non-signing inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

Inquiries regarding this communication may be directed to the undersigned at (571) 272-3230.

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

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

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

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

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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AUG 0 6 2007

OFFICE OF PETITIONS

In re Application of :
Sarbo, et al. :
Application No. 11/023,717 : ON PETITION
Filed: December 28, 2004 :
Attorney Docket No. 18,904 :

Papers filed on July 10, 2007 and supplemented on July 16, 2007 in response to a petition decision mailed on April 17, 2007 that dismissed petitioners request that all of the named inventors execute a Rule 131 declaration included a 131 declaration signed by the previously non-signing inventor, Wen Z. Schroeder.

In view of the joinder of the inventor, the petition under 37 CFR 1.183 to waive 37 CFR 1.131(a) is **dismissed as moot**.

After the mailing of this decision, the application will be forwarded to Publications Division to await receipt of the $1,400.00 issue fee, the $300.00 publication fee, and a completed PTOL-85b.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

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FEB 03 2010

In re Application of :
Krk D. Prall :
Application No.: 11/023,719 : ON PETITION
Filed: December 28, 2004 :
Attorney Docket No.: MI22-2645 :

This is a decision on the petition, filed February 2, 2010, 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, 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2818 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 11/5/07

TO SPE OF : ART UNIT 2862

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/023738 Patent No: 7283737B2

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: _____

PATRICK ASSOUAD
SUPERVISORY PATENT EXAMINER

SPE — 2862 Art Unit

PTO/SB/44 (07-03)
Approved for use through 01/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NUMBER : 7,283,737 B2
ISSUED : October 16, 2007
INVENTOR(S) : Yusuke Ohmura

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

IIN THE CLAIMS:

Column 12, claim 6, line 10, "plair" should read --pair--.

MAILING ADDRESS OF SENDER: Morgan & Finnegan, LLP
3 World Financial Center
New York, NY 10281-2101

PATENT NO. 7,283,737 B2
No. of additional copies
⇒

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

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

quantity distributions being formed on a corresponding pixel line of the plurality of pixel lines,

wherein the secondary image forming optical system comprises:

a deflecting member comprising a first prism member for deflecting at least one of the plurality of light quantity distributions in a direction perpendicular to the predetermined direction; and

a correcting member comprising a second prism member for deflecting at least one of the plurality of light quantity distributions in a direction opposite to the deflection direction of the deflecting member and for correcting displacement of an image formation position in the deflection direction of the deflecting member due to chromatic dispersion of the deflecting member, and

wherein the first prism member and the second prism member are made of materials different from each other in Abbe's number.

2. A focus detecting apparatus according to claim **1**,

wherein the secondary image forming optical system includes a stop in which a plurality of openings corresponding to the plurality of light quantity distributions are formed, and

wherein the first prism member and the second prism member are disposed so that the stop is disposed therebetween.

3. A focus detecting apparatus according to claim **1**, wherein the first prism member and the second prism member are made of materials having Abbe's numbers different from each other, and deflection directions of the first prism member and the second prism member are different from each other.

4. A focus detecting apparatus according to claim **1**, wherein one of the first prism member and the second prism member is made of one of polycarbonate and polystyrene, and the other of the first prism member and the second prism member is made of one of an acrylic series resin and an olefin series resin.

5. A focus detecting apparatus according to claim **1**, wherein the plurality of pixel lines of the photoelectric transducer are disposed apart from one another in a direction perpendicular to the predetermined direction.

6. A focus detecting apparatus, comprising:

a secondary image forming optical system for forming a pair of light quantity distributions related to an object image from light beams that passed through different pupil regions of an objective lens; and

a photoelectric transducer including a pair of pixel lines each having a plurality of pixels arranged in a predetermined direction, each of the pair of light quantity distributions being formed on a corresponding pixel lines of the pair of pixel lines,

wherein the secondary image forming optical system comprises:

a deflecting member comprising a first prism member for deflecting the pair of light quantity distributions in directions perpendicular to the predetermined direction and opposite to each other; and

a correcting member comprising a second prism member for deflecting at least one of the plair of light quantity distributions in a direction opposite to the deflection direction of the deflecting member and for correcting displacement of an image formation position in the deflection directions of the deflecting member due to chromatic dispersion of the deflecting member, and

wherein the first prism member and the second prism member are made of materials different from each other in Abbe's number.

7. An optical apparatus, comprising:

the focus detecting apparatus according to claim **1**,

wherein focus adjustment of an objective lens is carried out based on an output of the focus detecting apparatus.

8. A single-lens reflex camera, comprising:

a finder system for observing an image formed by an objective lens;

a main mirror for reflecting light beam from the objective lens toward the finder system, the main mirror transmitting a part of light beam incident thereon;

a sub mirror for reflecting the light beam transmitted through the main mirror; and

the focus detecting apparatus according to claim **1** disposed in an optical path of the light beam reflected by the sub mirror.

9. An optical apparatus, comprising:

the focus detecting apparatus according to claim **6**,

wherein focus adjustment of an objective lens is carried out based on an output of the focus detecting apparatus.

10. A single-lens reflex camera, comprising:

a finder system for observing an image formed by an objective lens;

a main mirror for reflecting light beam from the objective lens toward the finder system, the main mirror transmitting a part of light beam incident thereon;

a sub mirror for reflecting the light beam transmitted through the main mirror; and

the focus detecting apparatus according to claim **6** disposed in an optical path of the light beam reflected by the sub mirror.

* * * * *

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C/O HAYNES BEFFEL & WOLFELD
P.O. BOX 366
HALF MOON BAY CA 94019

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MAY 19 2005

OFFICE OF PETITIONS

In re Application of :
Chih Chieh Yeh : DECISION GRANTING FILING
Application No. 11/023,747 : DATE OF DECEMBER 28, 2004
Filed: December 28, 2004 :
Attorney Docket No. MXIC 1613-1 :

This is a decision on the petition filed April 27, 2005 which is being treated under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of December 28, 2004, rather than the presently accorded filing date of December 27, 2004.

Petitioner 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 28, 2004, pursuant to the requirements of 37 CFR 1.10. In support, petitioner submitted a copy of Express Mail receipt number EV314044910US (the same Express Mail number found on the utility patent application transmittal accompanying the original application papers) bearing a handwritten "date-in" of December 27, 2004, and a USPS sales receipt which indicates that the same Express Mail number was accepted on December 28, 2004.

In view of the above, it is concluded that the application was deposited as "Express Mail" with the USPS on December 28, 2004.

The petition is granted.

The petition fee ($130) is being credited to deposit account no. 50-0869 as authorized.

This matter is being referred to the Office of Initial Patent Examination for processing with a filing date of **December 28, 2004**, and for the mailing of a corrected Filing Receipt.

Telephone inquires specific to this matter should be directed to the undersigned at (571) 272-3208.

Karen Creasy

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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FAY SHARPE LLP
1100 SUPERIOR AVENUE, SEVENTH FLOOR
CLEVELAND OH 44114

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DEC 0 7 2007

OFFICE OF PETITIONS

In re Application of :
Gary A. Steinberg :
Application No. 11/023,757 : DECISION ON PETITION
Filed: December 28, 2004 :
Attorney Docket No. 125070 :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed September 18, 2006, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on October 19, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election, (2) the petition fee of $1,500, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Office action of September 18, 2006 is accepted as being unintentionally delayed.

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

This application is being referred to Technology Center AU 2885 for appropriate action in the normal course of business on the reply received June 4, 2007.

Frances Hicks
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

KOLISCH HARTWELL, P.C.
520 S.W. YAMHILL STREET
SUITE 200
PORTLAND OR 97204

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SEP 16 2005

OFFICE OF PETITIONS

In re Application of
Jon C. Marine and Debbie Glassberg
Application No. 11/023,765
Filed: December 27, 2004
Attorney Docket Number: MAT 3M7
Title: AUTOMATICALLY OPENING DOLLHOUSE

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 August 18, 2005.

The above-identified application was filed on December 27, 2004, identifying Jon C. Marine, Mark S. Wittenberg, and Debbie Glassberg as joint inventors. The declaration which was submitted on filing was not executed by any of the joint inventors. On February 16, 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.

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

It is noted that the declaration submitted on filing lists Mark S. Wittenberg as an inventor, and this individual does not appear on the declaration submitted with the present petition. It appears as though the inclusion of Mr. Wittenberg on the original declaration was made in error, and pursuant to 37 C.F.R. §1.48(f)(1), the submission of a declaration which has been executed by at least one of the inventors will act to correct the previous incorrect identification of inventorship. Mr. Wittenberg will no longer be listed as an inventor in Office records as being a joint inventor for the present application.

With the present petition, Petitioner has submitted the petition fee, the surcharge, a statement of facts, the surcharge, and a four-month extension of time[2].

Petitioner has met requirements (1), (2), and (5) above.

Regarding the third requirement above, Petitioner has indicated that he has conflicting information regarding the last known address of the non-signing inventor. Petitioner believed it to be an address in California, but has received "possible alternative contact information[3]" for this individual in Missouri. Before Petitioner will be able to supply a last known address, he will need to determine which address is the correct one.

Regarding the fourth requirement above, Petitioner has not submitted adequate proof that diligent efforts have been made to locate the non-signing inventor. *As petitioner has set forth that the non-signing joint inventor cannot be found or reached, petitioner is required to establish that a diligent effort was made to locate the non-signing inventor.* Petitioner has set forth that he is "unable to contact[4]" the non-signing inventor, and; as discussed above, he has conflicting information as to the last known address of the non-signing inventor. Petitioner has indicated that two online searches were preformed, but it is not clear if that search was limited to California or not.

Rule 47 applicant will need to attempt to verify the address of the non-signing inventor or determine her forwarding address and send the application papers to that address for consideration by the inventor[5]. If attempts to obtain a forwarding address or to locate the non-signing inventor by other means such as through E-mail, telephone, or the Internet fail, then applicant will have provided the necessary proof required under 37 C.F.R. §1.47 that the inventor cannot be reached.

Details of the efforts to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person with first hand knowledge of the details. Applicant should submit documentary evidence such as the results of an E-mail or Internet search. It is important that the statement contain facts as opposed to conclusions[6].

---

2 It is noted that the certificate of mailing which Petitioner listed on the petition is dated December 14, 2004, and was submitted along with a petition fee transmittal sheet which bears a certificate of mailing dated August 16, 2005. As the former does not seem plausible, the latter certificate of mailing date will be used. Petitioner is reminded that errors such as occurred can result in loss of rights and care must be taken to avoid such.

3 Petition, page 2.

4 Petition, page 1.

5 See MPEP 409.03(d).

6 See MPEP 409.03(d).

As such, the petition under 37 C.F.R. §1.47(b) must be **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 "Renewed Petition Under 37 C.F.R. §1.47(a)," and should only address the deficiencies noted above, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 C.F.R. §1.136(a). 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[7], hand-delivery[8], or facsimile[9].

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

7 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
8 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
9 571-273-8300 - please note this is a central facsimile number.

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Paper No. None

KOLISCH HARTWELL, P.C.
520 S.W. YAMHILL STREET
SUITE 200
PORTLAND OR 97204

COPY MAILED

DEC 14 2005

OFFICE OF PETITIONS

In re Application of :
Jon C. Marine and Debbie Glassberg :
Application No. 11/023,765 : DECISION ON RENEWED PETITION
Filed: December 27, 2004 : UNDER 37 C.F.R. §1.47(a)
Attorney Docket Number: MAT 3M7 :
Title: AUTOMATICALLY OPENING :
DOLLHOUSE :

This is in response to the renewed petition under 37 C.F.R. §1.47(a)[1], filed November 17, 2005.

The above-identified application was filed on December 27, 2004, identifying Jon C. Marine, Mark S. Wittenberg, and Debbie Glassberg as joint inventors. The declaration which was submitted on filing was not executed by any of the joint inventors. On February 16, 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.

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

The original petition was filed on August 18, 2005, and was dismissed via the mailing of a decision on September 16, 2005, for failure to meet the third and fourth requirements of 37 C.F.R. §1.47(a).

With this renewed petition, these deficiencies have been corrected.

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 inventors at the addresses 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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Patent Group
Microsoft Corporation
One Microsoft Way
Redmond, WA 98052

Mail Date: 04/21/2010

Applicant	: Paul E. Maybee	: DECISION ON REQUEST FOR
Patent Number	: 7665093	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/023,769	: 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 **1435** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/023,770	12/23/2004	2645	1000	2724	4	20	3

CONFIRMATION NO. 8010

CORRECTED FILING RECEIPT

OC000000015757947

28005
SPRINT
6391 SPRINT PARKWAY
KSOPHT0101-Z2100
OVERLAND PARK, KS 66251-2100

Date Mailed: 04/15/2005

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 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 S. Thenthiruperai, Overland Park, KS;

Assignment For Published Patent Application

Sprint Spectrum L.P.

Power of Attorney: None

Domestic Priority data as claimed by applicant

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 US11/023,770

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

Method and system for timed interaction with an interative voice response

Preliminary Class

379

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 15 2007

OFFICE OF PETITIONS

Fish & Neave IP Group
Ropes & Gray LLP
1211 Avenue of the Americas
New York, NY 10036-8704

In re Application of
Christoph Hans Huber
Application No. 11/023,783
Filed: December 28, 2004
Attorney Docket No. 293/076

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 31, 2006.

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

A review of the file record indicates that the power of attorney to the attorneys associated with Fish & Neave IP Group has been revoked by the applicant of the patent application on January 8, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Bachman & Lapointe, P.C.**
900 Chapel Street
Suite 1201
New Haven, CT 06510

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/023,783	12/28/2004	Christoph Hans Huber	293/076

CONFIRMATION NO. 1933

OC000000022900481

OC000000022900481

34704
BACHMAN & LAPOINTE, P.C.
900 CHAPEL STREET
SUITE 1201
NEW HAVEN, CT 06510

Date Mailed: 03/14/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/08/2007.

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.

Terri S. Williams

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

ATTORNEY/APPLICANT COPY

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/023,783	12/28/2004	Christoph Hans Huber	293/076

CONFIRMATION NO. 1933

OC000000022900460

OC000000022900460

1473
FISH & NEAVE IP GROUP
ROPES & GRAY LLP
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

Date Mailed: 03/14/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/08/2007.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Jerri S. Williams

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

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JJGJr: 07-05

Paper No: __

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SWECKER & MATHIS)
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

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JUL 15 2005

OFFICE OF PETITIONS

In re Application of :
Chen :
Application No. 11/023,806 : ON PETITION
Filed: 29 December, 2004 :
Attorney Docket No. 032817-018 :

This is a decision on the petition filed on 21 March, 2005, considered under 37 C.F.R. §1.53, to obtain a filing date of 29 December, 2004, for Fig(s). 1 - 6(b), as described in the specification.

For the reasons set forth below, the petition is **GRANTED**.

BACKGROUND

After this application was deposited on 29 December, 2004:

- on 9 March, 2005, the Office mailed a Notice of Omitted Items reflecting the absence of Fig(s). 1 - 6(b), as described in the specification, and indicated that Petitioner's alternatives were to: (a) file a petition if Petitioner contended that the items deemed omitted had been deposited with the application, (b) supply the omitted item and accept as the filing date that of the new deposit, or (c) file no response and accept the application as deemed by the Office to have been filed;

- Petitioner filed the instant petition (with fee) on 21 March, 2005, with, *inter alia*, a copy of the date-stamped ("122,904") receipt card (see: MPEP §503[1]), a copy of the drawing sheets

[1] MPEP §503 provides in pertinent part:
§503 Application Number and Filing Receipt

* * *

averred to be Fig(s) 1 - 6(b) submitted with the original 29 December, 2004, deposit, and a request for refund of the petition fee.

Analysis

A search of the official file reveals that:

- on 29 December, 2004, Petitioner deposited the instant application;
- the date-stamped receipt card evidences the following, in pertinent part:

* * *

x Specification (pages 1 - 28)
x Claims (claims(s) 1 - 16, 7 pgs.)
x Drawings (Fig(s). 1 - 15, 15 pgs.)
x Abstract of Disclosure

* * *

Because Petitioner's receipt card adequately itemized the contents of the application on the

---

A return postcard should be attached to *each* patent application for which a receipt is desired. It is important that the return postcard itemize all of the components of the application. If the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO). It should be recognized that the identification of an application by application number does not necessarily signify that the USPTO has accepted the application as complete (37 C.F.R. §1.53(a)).

* * *

RETURN POSTCARD

If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).

The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as *prima facie* evidence of receipt of those items.

The person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the post-card initialed by the person receiving the items. Upon return of a postcard receipt from the USPTO, the postcard receipt should be promptly reviewed by the person who filed the items to ensure that every item specifically denoted on the postcard was received by the USPTO. If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as *prima facie* evidence of receipt of that item in the USPTO. (Emphasis supplied.)

receipt card, it is concluded that the application, including Fig(s). 1 - 6(b), was/were deposited with the Office on 29 December, 2004, and Fig(s).1 - 6(b) subsequently were misplaced in the Office.

Accordingly, Fig(s). 1 - 6(b) are entitled to a filing date with the application as filed.

The Notice of Omitted Items mailed on 9 March, 2005, was sent in error and is hereby vacated to the extent that it stated that pages/sheets–to wit: Fig(s). 1 - 6(b)–had been omitted.

CONCLUSION

The petition is **granted** and the petition fee waived and refunded to Deposit Account 02-4800.

This application is released to OIPE for further processing with a filing date of 29 December, 2004, for the entire application and in particular for the specification (36 pages: description, claims and abstract), and 15 sheets of drawings, including Fig(s). 1 - 6(b), using:

- **36 pages of specification (description, claims and abstract), and the 9 sheets of drawings (Figs. 7 - 15) deposited on 29 December, 2004; and**

- **the 6 sheets of drawings (Fig(s). 1 - 6(b)) deposited on 21 March, 2005; and further**

with direction to OIPE to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 29 December, 2004, and reflecting therein that 36 pages of specification (description, claims and abstract) and 15 sheets of drawings were present on filing.

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

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

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T. N

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Paper No. 052405

AUG - 2 2005

FOLEY & LARDNER
2029 CENTURY PARK EAST
SUITE 3500
LOS ANGELES CA 90067

In re Application of:	:	
NAGAOKA et al.	:	
Application No. 11/023,807	:	DECISION ON PETITION
Filed: December 28, 2004	:	TO MAKE SPECIAL
Attorney Docket No. 230980-0277	:	

This is a decision on the petition under 37 C.F.R. § 1.102, filed May 13, 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 II. INFRINGEMENT

Subject to a requirement for a further showing as may be necessitated by the facts of a particular case, an application may be made special because of actual infringement (but not for prospective infringement) upon payment of the fee under 37 CFR 1.17(h) and the filing of a petition accompanied by a statement by the applicant, assignee, or an 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.

(D) 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 contains the petition fee and a statement in accordance with M.P.E.P., Section 708.02, Item II.

For the above stated reasons, the petition is GRANTED.

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

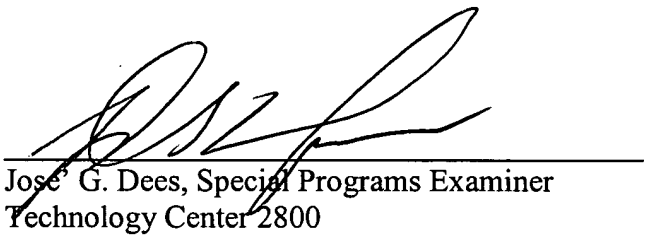
If the examiner can make this application special without prejudice to any possible interfering applications, and he/she should make a rigid search for such, he/she is authorized to do so for the next action. Should the application be rejected, the application will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the application in condition for allowance, even if it is necessary to have an interview with the examiner to accomplish this purpose.

If the examiner finds any interfering application for the same subject matter, he/she should consider such application simultaneously with this application and should state in the official letter of such application that 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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SEP 0 9 2005

Technology Center 2100

HARVEY LUNENFELD
8 Patrician Drive
East Northport, NY 11731

In re Application of:	)	
Harvey Lunenfeld	)	DECISION ON PETITION TO MAKE
Application No.: 11/023,809	)	SPECIAL UNDER 37 C.F.R. §1.102(c)
Filed: December 28, 2004	)	AND MPEP § 708.02 (IV):
For: CLIENT-SERVER MULTITASKING	)	APPLICANT'S AGE

This is a decision on the petition, filed August 18, 2005, under 37 C.F.R. §1.102(c) and M.P.E.P. §708.02(IV): Applicant's Age, to make the above-identified application special.

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

The petition includes declaration by Harvey Lunenfeld, one of the applicants, asserting that declarant/applicant is sixty five (65) years of age or more.

Accordingly, the petition is **GRANTED.**

The application is being forwarded to the examiner for expedited prosecution and to consider the change of inventorship.

Michelle L. Eason for

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

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SEP 22 2005

Technology Center 2100

HARVEY LUNENFELD
8 Patrician Drive
East Northport, NY 11731

In re Application of:	)	
Harvey Lunenfeld	)	DECISION ON PETITION TO MAKE
Application No.: 11/023,809	)	SPECIAL UNDER 37 C.F.R. §1.102(c)
Filed: December 28, 2004	)	AND MPEP § 708.02 (IV):
For: CLIENT-SERVER MULTITASKING	)	APPLICANT'S AGE

This replaces the decision (previously mailed on September 09, 2005) on the petition, filed August 18, 2005, under 37 C.F.R. §1.102(c) and M.P.E.P. §708.02(IV): Applicant's Age, to make the above-identified application special.

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

The petition includes declaration by Harvey Lunenfeld, asserting that declarant/applicant is sixty five (65) years of age or more.

Accordingly, the petition is **GRANTED.**

The application is being forwarded to the examiner to be advanced out of turn for examination in accordance with the procedures set forth in M.P.E.P. §708.02, "Handling of Petitions To Make Special" and M.P.E.P. §1309.

Michelle R. Eason for

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

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TROY WILKINS
P.O. BOX 670975
CHUGIAK, AK 99567

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OFFICE OF PETITIONS

In re Application of :
Troy Wilkings :
Application No. 11/023,852 : ON PETITION
Filed: December 24, 2004 :
Attorney Docket No. W324-002 :

This is a decision on the petition under 37 CFR 1.137(b), filed August 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 May 8, 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 August 9, 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 2875 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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FEB 0 1 2006

PATRICIA M. COSTANZO
PATENT COPYRIGHT TRADEMARK LAW
2960 BOWEN ROAD
ELMA NY 14059

In re Application of	:	
Steven Nichols	:	
Serial No.: 11/023,877	:	DECISION ON PETITION
Filed: December 24, 2004	:	
For: Apparatus for Stretching Hamstrings	:	

This is in response to applicants' Petition filed August 18, 2005, to make the above-identified application special under the provisions of 37 CFR 1.102(d), based on prospective manufacture.

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

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

Should there be any questions with regard to this letter please contact Frederick Schmidt by letter addressed to the Director, Technology Center 3700, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (571 272-2975 or by facsimile transmission at (703) 273-8300.

Frederick R. Schmidt, Director
Technology Center 3700

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PATRICIA M. COSTANZO
PATENT COPYRIGHT TRADEMARK LAW
2960 BOWEN ROAD
ELMA NY 14059

In re Application of	:	
Nichols, Steven M.	:	DECISION ON PETITION
Application No. 11/023,877	:	TO MAKE SPECIAL
Filed: December 24, 2004	:	37 CFR 1.102(D)
Attorney Docket No. NicholsS_P_1_04	:	

This is a decision on the petition under 37 CFR 1.102(d), filed August 18, 2005 to make the above-identified application special.

The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in M.P.E.P. § 708.02, Section I: Manufacture.

The petition is **DISMISSED**.

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

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

> (A) The possession by the prospective manufacturer of sufficient presently available capital (stating approximately the amount) and facilities (stating briefly the nature thereof) to manufacture the invention in quantity or that sufficient capital and facilities will be made available if a patent is granted; If the prospective manufacturer is an individual, there must be a corroborating statement from some responsible party, as for example, an officer of a bank, showing that said individual has the required available capital to manufacture;
>
> (B) That the prospective manufacturer will not manufacture, or will not increase present manufacture, unless certain that the patent will be granted;
>
> (C) That the prospective manufacturer obligates himself, herself or itself, to manufacture the invention, in the United States or its possessions, in quantity immediately upon the allowance of claims or issuance of a patent which will protect the investment of capital and facilities; and

(D) That the applicant or assignee has made or caused to be made a careful and thorough search of the prior art, or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The instant petition fails to meet the requirements set forth above for special status because it lacks (A). Applicant failed to discuss the available capital (stating approximately the amount) and facilities (stating briefly the nature thereof). Additionally, the prospective manufacture appears to be an individual. If this is accurate, there must be a corroborating statement from some responsible party (e.g., an officer of a bank), showing that the individual has the required available capital to manufacture.

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 inquires concerning this decision should be directed to Paralegal Liana Chase at (571) 272-3206.

This matter is being referred to the Technology Center Art Unit 3764 for action in its regular turn.

David Bucci
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Nichols, Steven M.	:	DECISION ON PETITION
Application No. 11/023,877	:	TO MAKE SPECIAL
Filed: December 24, 2004	:	37 CFR1.102(D)
Attorney Docket No. NicholsS_P_1_04	:	

CORRECTED DECISION

This is a decision on the petition under 37 CFR 1.102(d), filed August 18, 2005 to make the above-identified application special.

The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in M.P.E.P. § 708.02, Section I: Manufacture.

In view of the decision mailed on February 1, 2006 granting the instant petition, the decision mailed on February 2, 2006 dismissing the instant petition is hereby **VACATED.**

Telephone inquires concerning this decision should be directed to Petitions Examiner Liana Chase at (571) 272-3206.

This matter is being referred to the Technology Center Art Unit 3764 for expedited prosecution.

David Bucci
Petitions Examiner
Office of Petitions

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INTEL CORPORATION
c/o CPA Global
P.O. BOX 52050
MINNEAPOLIS, MN 55402

Mail Date: 05/13/2010

Applicant	: George Z. Chrysos	: DECISION ON REQUEST FOR
Patent Number	: 7624236	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/023,882	: 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 **142** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A.
1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE
P.O. BOX 3791
ORLANDO FL 32802-3791

Applicant: Easterling et al.
Appl. No.: 11/023,891
Filing Date: December 28, 2004
Title: AIRCRAFT IN-FLIGHT ENTERTAINMENT SYSTEM WITH A DISTRIBUTED MEMORY AND ASSOCIATED METHODS
Attorney Docket No.: 59034
Pub. No.: US 2006/0143662 A1
Pub. Date: June 29, 2004

This is a decision on the requests for a corrected patent application publication under 37 CFR 1.221(b), received on December 1, 2006, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in that the publication includes incorrect claims.

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

The request for corrected publication, received on December 1, 2006, was not timely filed under 37 CFR 1.221(b).

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

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

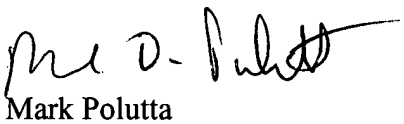
the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

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

By facsimile: 571-273-8300

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



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

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GAUTHIER & CONNORS, LLP
225 FRANKLIN STREET
SUITE 2300
BOSTON, MA 02110

Mail Date: 04/21/2010

Applicant	: Jacob Barak	: DECISION ON REQUEST FOR
Patent Number	: 7637879	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/023,894	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/28/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **979** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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MYERS BIGEL SIBLEY & SAJOVEC
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RALEIGH, NC 27627

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OFFICE OF PETITIONS

In re Application of :
Jin-Sung Park, et al. :
Application No. 11/023,896 : ON PETITION
Filed: December 28, 2004 :
Attorney Docket No. 5649-1455 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 19, 2008, to revive the above-identified application.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of January 28, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is February 28, 2008.

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

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 $120 extension of time fee submitted with the petition on August 19, 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 the undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 2827 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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DAVID E. WIGLEY, PH.D.
SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA GA 30309-3996

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JUN 22 2009

OFFICE OF PETITIONS

In re Application of :
DENK, Roman :
Application No. 11/023,928 : DECISION ON PETITION
Filed: December 28, 2004 : TO WITHDRAW
Attorney Docket No. **28007-0090** : 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 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 Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by David Wigley on behalf of all attorneys of record who are associated with customer No. 29052. All attorneys/agents associated with the Customer Number 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 or the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee

(*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **ROMAN DENK**
BUCHWEG 21
D-89197 WEIDENSTETTEN
GERMANY

cc: **CELONOVA BIOSCIENCES, INC.**
49 SPRING STREET
NEWNAN GA 30263-2768

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Novak Druce + Quigg LLP
CityPlace Tower, 525 Okeechobee Blvd.
Fifteenth-Floor
WEST PALM BEACH, FL 33401

Mail Date: 04/21/2010

Applicant	: Akram A. Bou-Ghannam	: DECISION ON REQUEST FOR
Patent Number	: 7606803	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/023,930	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/28/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **476** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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ARLINGTON, VA 22201-2909

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JUN 16 2009

OFFICE OF PETITIONS

In re Application of :
Carol Y. Devine et al :
Application No. 11/023,953 : ON PETITION
Filed: December 28, 2004 :
Attorney Docket No. COS97100C2 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 11, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file 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 November 21, 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 January 22, 2008. *See* MPEP 1215.04.

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

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

This matter is being referred to Technology Center AU 2431 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Phouphanomketh Ditthavong
918 Prince Street
Alexandria, VA 22314

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : March 08, 2007

TO SPE OF : ART UNIT 2823

SUBJECT : Request for Certificate of Correction on Patent No.: **7148106 B2 – 11/023993**

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

Please complete this form and return with file, within 7 days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Elisha Evans
Certificates of Correction Branch
Tel. No. 703-308-9390 EXT 110

Thank You For Your Assistance

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

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

Comments:

JACK CHIANG
SUPERVISORY PATENT EXAMINER

2823

SPE **Art Unit**

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Paper No. None

Mavis S. Gallenson
c/o LADAS & PARRY
Suite 2100
5670 Wilshire Boulevard
Los Angeles CA 90036-5679

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OFFICE OF PETITIONS

In re Application of
George B. Hopple, Roger W. Barton, John D. Porter, Theodore S. Fahlen, and Bob L. Mackey
Application No. 11/023,995
Filed: December 27, 2004
Attorney Docket Number: B-5601DIV 622394-9
Title: METHOD OF PATTERNING WALL AND PHOSPHOR WELL MATRIX UTILIZING GLASS

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 August 12, 2005, which contains a certificate of mailing dated August 9, 2005.

The above-identified application was filed on December 27, 2004, identifying George B. Hopple, Roger W. Barton, John D. Porter, Theodore S. Fahlen, and Bob L. Mackey as joint inventors. The declaration submitted on filing was not executed by any of the inventors. On February 9, 2005, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" was

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

mailed, indicating that an executed declaration would be required, along with the surcharge associated with the late filing of the same, the basic filing fee, the search fee, and additional claim fees.

On August 12, 2005, the present petition was filed, along with the petition fee, the surcharge, a four-month extension of time, the basic filing fee, the search fee, and the fees for excess claims. Petitioner has also included a declaration executed by each of the joint inventors save Messers. Porter and Mackey.

Petitioner has further indicated that a complete copy of the application was sent to each of the non-signing inventors.

Petitioner has met requirements (1) – (4) above.

Regarding the fifth requirement above, the declaration is not compliant with 28 U.S.C. 1746, in that signing inventor Barton has failed to affix a date underneath his signature. As such, a newly executed declaration will be required, and the petition under 37 C.F.R. §1.47(A) is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Renewed Petition Under 37 C.F.R. §1.47(a)," and should only address the deficiencies noted above, except that the reply may include an oath or declaration executed by the non-signing inventors. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 C.F.R. §1.136(a). This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski.

Any renewed petition may be submitted by mail[2], hand-delivery[3], or facsimile[4].

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

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

2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
4 (571) 273-8300- please note this is a central facsimile number.

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ALEXANDRIA, VA 22313-1450
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Paper No. None

Mavis S. Gallenson
c/o LADAS & PARRY
Suite 2100
5670 Wilshire Boulevard
Los Angeles CA 90036-5679

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OFFICE OF PETITIONS

In re Application of
George B. Hopple, Roger W. Barton, John D. Porter, Theodore S. Fahlen, and Bob L. Mackey
Application No. 11/023,995
Filed: December 27, 2004
Attorney Docket Number: B-5601DIV 622394-9
Title: METHOD OF PATTERNING WALL AND PHOSPHOR WELL MATRIX UTILIZING GLASS

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), filed November 9, 2005.

The above-identified application was filed on December 27, 2004, identifying George B. Hopple, Roger W. Barton, John D. Porter, Theodore S. Fahlen, and Bob L. Mackey as joint inventors. The declaration submitted on filing was not executed by any of the inventors. On February 9, 2005, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" was mailed, indicating that an executed declaration would be required, along with the surcharge associated with the late filing of the same, the basic filing fee, the search fee, and additional claim fees.

The original petition was filed on August 12, 2005, and was dismissed via the mailing of a decision on September 16, 2005, for failure to submit an acceptable declaration.

With this renewed petition, this deficiency has been corrected.

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 inventors at the addresses 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

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

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United States Patent and Trademark Office
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MEDLEN & CARROLL, LLP
101 HOWARD STREET
SUITE 350
SAN FRANCISCO, CA 94105

Mail Date: 04/21/2010

Applicant	: Mark A. Muesing	: DECISION ON REQUEST FOR
Patent Number	: 7608699	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/023,996	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

Mail Date: 04/21/2010

Applicant	: Gregg A. Bouchard	: DECISION ON REQUEST FOR
Patent Number	: 7594081	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/024,002	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/28/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **220** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK NY 10023

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JUN 16 2008

In re Application of :
Palpu et al. :
Application No. 11/024,007 : DECISION ON PETITION
Filed: December 28, 2004 : UNDER 37 CFR 1.55(c)
Attorney Docket No. U 015559-6 :

This is a decision on the petition under 37 CFR 1.55(c), filed April 11, 2008, accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of priority to the filing date of foreign Indian Application No. 2506/DEL/2004, filed December 16, 2004.

The petition is **DISMISSED**.

This application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, **and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6)**);
(3) the surcharge as set forth in 37 CFR 1.17(t);
(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director may require additional information where there is a question whether the delay was unintentional); and
(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The petition fails to comply with item (2) above. In this regard, a review of the file record fails to disclose that the priority information was included in an oath or declaration or in an Application Data Sheet (ADS) in accordance with 37 CFR 1.76(b)(6). Unless provided in an ADS, 37 CFR 1.63(c)(2) requires that the oath or declaration must identify the foreign application for patent (or inventor's certificate) for which priority is claimed under 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing. *Note* MPEP 201.14.

In view of the above, compliance with 37 CFR 1.63(c)(2) or 37 CFR 1.76(b)(6) must be satisfied if applicant desires to claim priority to the foreign application noted in the petition. Any future petition should include a cover letter and be entitled "Renewed Petition under 37 CFR 1.55(c)."

The issue fee in this case was paid on April 22, 2008. Therefore, it is conceivable that the application will issue before either the filing or the granting of a renewed petition under 37 C.F.R. §1.55(c). 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. §1.55(c).

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

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

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

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

Any questions concerning this matter may be directed to Charlema Grant at (571) 272-3215.

Anthony Knight
Supervisor
Office of Petitions

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OFFICE OF PETITIONS

LADAS & PARRY
26 WEST 61ST STREET
NEW YORK NY 10023

In re Application of :
Palpu, et al. :
Application No. 11/024,022 : DECISION ON PETITION
Filed: December 28, 2004 :
Docket No.: HERBAL :
FORMULATION AS MEMORY :
ENHANCER IN ALZHEIMER :
CONDITION :

This is a decision on the petition under 37 CFR 1.181, filed August 20, 2007, to withdraw the holding of abandonment.

The petition is **GRANTED**.

The application was held abandoned for failure to timely submit a properly reply to the Office communication mailed February 5, 2007. The Office communication set a one month shortened statutory period of time for reply. Notice of Abandonment was mailed August 24, 2007.

Petitioners assert that a response to the Office communication and petition for extension of time were timely submitted March 30, 2007. The copy of the response submitted herewith bears a certificate of mailing date of March 30, 2007 in accordance with 37 CFR 1.8 and is thus deemed to have been timely submitted.

The original response submitted March 30, 2007 has not been located. However, the response bears a certificate of mailing date of March 30, 2007 in accordance with 37 CFR 1.8 and is thus deemed to have been timely submitted.

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 Technology Center 1600 for further processing.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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JAN 23 2006

Director's Office
Group 3700

Blynn L. Shideler
The BLK Law Group
3500 Brokktree Road
Suite 200
Wexford, PA 15090

In re Application of :
Bruce A. Mosher et al. :
Serial No. 11/024,026 : DECISION ON PETITION
Filed: December 24, 2004 : TO MAKE SPECIAL
For: DISPENSING CLOSURE WITH INTEGRAL PIERCING UNIT

Applicant's petition, filed January 10, 2006, seeks to have this application made special pursuant to the Accelerated Examination Program. The petition is GRANTED.

The petition has been reviewed and is found to be in compliance with the requirements for special status as set forth in Section 708.02(VIII) of the Manual of Patent Examining Procedures (MPEP).

Applicant is advised that the examiner's search will be restricted to the subject matter encompassed by the claims. In the event that the application receives a first action rejection, applicant is encouraged to arrange for an interview with the examiner, and to provide the examiner with a working copy of any proposed amendment one working day prior to the interview. Any amendment filed in response to a first action rejection, which would require broadening of the field of search will be treated as an improper response.

PETITION GRANTED.

Frederick R. Schmidt, Director
Technology Center 3700
571-272-2975

rt/ 1/18/06

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10 POST OFFICE ROAD - SUITE 100
SILVER SPRING MD 20910

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OCT 21 2005

OFFICE OF PETITIONS

In re Application of	:	
Kaiser et al.	:	
Application No. 11/024,036	:	ON PETITION
Filed: December 29, 2004	:	
Attorney Docket No. 5557	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 7, 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 15, 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 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 16, 2005.

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

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

Liana Chase
Petitions Examiner
Office of Petitions

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Carlineo, Spicer & Kee, LLC
2003 S. Easton Road, Suite 208
Doylestown, PA 18901

Mail Date: 04/21/2010

Applicant	: Lisa Mittelsteadt	: DECISION ON REQUEST FOR
Patent Number	: 7584033	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/024,044	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/28/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1186** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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JACKSON & CO., LLP
6114 LA SALLE AVENUE
#507
OAKLAND, CA 94611-2802

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JUN 0 9 2008

In re Application of
Eran Steinberg et al.
Application No. 11/024,046
Filed: December 27, 2004
Attorney Docket No. FN-102E-CIP-US

DECISION ON PETITION
TO WITHFRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR 1.36(b) filed October 17, 2007.

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

A review of the file record indicates that the power of attorney to the firm of Jackson & Co., LLP has been revoked by the assignee of the patent application on October 23, 2007. Accordingly, the request to withdraw under 37 CFR 1.36(b) is moot.

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

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

Carl Friedman
Petitions Examiner
Office of Petitions

Cc: FotoNation
Patent Legal Dept.
3099 Orchard Drive
San Jose CA 95134

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MANZO, CUMMINGS & MEHLER LTD.
200 WEST ADAMS STREET, SUITE 2850
CHICAGO, IL 60606

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OFFICE OF PETITIONS

In re Application of :
Shunpei Yamazaki et al :
Application No. 11/024,074 : DECISION GRANTING PETITION
Filed: December 28, 2004 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 0553-0137.02 :

This is a decision on the petition, filed July 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 May 16, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2823 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

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

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ALEXANDRIA, VA 22313-1450
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Paper No. None

David M. Mundt
Cook, Alex, McFarron, Manzo,
Cummings & Mehler, Ltd.
200 West Adams Street, Suite 2850
Chicago IL 60606

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FEB 16 2007

OFFICE OF PETITIONS

In re Application of	:	
Eugene M. Cummings	:	
Application No. 11/024,076	:	DECISION ON PETITION
Filing Date: May 5, 2005	:	UNDER 37 C.F.R. §1.53
Attorney Docket No.: 1434-0006.05	:	
Title: MARKING SYSTEM AND APPARATUS	:	

This is a decision on the petition filed May 5, 2005, requesting that the above-identified application be accorded a filing date of December 28, 2004 with Figures eight-d and eight-e as part of the original disclosure of the application.

The Office regrets the period of delay in issuing this decision.

The application was deposited on December 28, 2004. However, on March 9, 2005, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (notice) stating that the application had been accorded a filing date of December 28, 2004, and advising applicants that the application appeared to have been deposited without Figures eight-d and eight-e.

The present petition was subsequently filed on May 5, 2005 along with a copy of these two figures. The figures were entered, and the application was accorded a filing date of May 5, 2005.

The electronic file has been reviewed, and thirty pages of drawings have been located that were present on December 28, 2004: the pages labeled one through twelve contain Figures 1 through eight-c and the pages labeled fourteen through thirty-one contain Figures eight-f through twenty-four. The sheet labeled page thirteen that contains Figures eight-d and eight-e has not been located among these pages.

With the present petition, Petitioner has asserted that page thirteen was included with the original filing on December 28, 2004. In support, Petitioner has indicated "each drawings sheet is numbered 'of 31' and that the original transmittal states 31 sheets of drawings."

M.P.E.P. §503 sets forth, *in pertinent part*:

> RETURN POSTCARD
>
> If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.
>
> The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).
>
> The postcard receipt will not serve as prima facie evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary),

> oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as prima facie evidence of receipt of those items.
>
> The person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the postcard initialed by the person receiving the items.
>
> Upon return of a postcard receipt from the USPTO, the postcard receipt should be promptly reviewed by the person who filed the items to ensure that every item specifically denoted on the postcard was received by the USPTO. If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as prima facie evidence of receipt of that item in the USPTO.

As set forth above, Petitioner's representative has alleged that the sheet that contains the two missing figures was included on filing. The PTO has a well-established and well-publicized practice of providing a receipt for papers filed in the PTO to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the PTO 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 PTO of all the items listed thereon on the date stamped thereon by the PTO. See M.P.E.P. §503, the pertinent portion of which has been reproduced above.

The petition has been reviewed, and it does not appear that a copy of a postcard receipt has been included.

Petitioner's representative has not submitted the evidence required to establish that the sheet in question was provided to the Office on December 28, 2004. As such, the petition is **DISMISSED.**

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

"Renewed Petition Under 37 C.F.R. 1.153." This is not a final agency action within the meaning of 5 U.S.C 704.

On renewed petition, Petitioner's representative should present a copy of the postcard receipt in order to establish that these figures were included with the filing of December 28, 2004.

Without a postcard receipt which serves a prima facie evidence that the figures in question were presented to the Office on December 28, 2004, it does not appear that Petitioner's representative will be able to establish that the relevant figures were present on initial deposit. If this is the case, Petitioner's representative is not in a position to have the missing figures entered and have the application accorded a filing date of December 28, 2004.

If Petitioner's representative is not in possession of a postcard receipt which serves a prima facie evidence that the figures in question were presented to the Office on December 28, 2004, Petitioner's representative will need to decide whether these missing drawing are necessary for the understanding of the subject matter sought to be patented. On renewed petition, Petitioner's representative must indicate:

- the drawings are necessary for the understanding of the subject matter sought to be patented. Petitioner's representative should request the entry of Figures eight-d and eight-e into the record. The application will retain the filing date of May 5, 2005, the date on which these figures were presented to the Office, or;
- the drawings are not necessary for the understanding of the subject matter sought to be patented. Petitioner's representative should request the Office to accord this application a filing date of December 28, 2004, the date on which the application was initially deposited. The drawings will not be entered. An amendment to the specification will need to be included which deletes any reference to these figures.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[1], hand-delivery[2], or facsimile[3].

---

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300- please note this is a central facsimile number.

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - the inclusion of any extraneous information will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[4]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

4 Petitioner's representative will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner's representative is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner's representative.

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OFFICE OF PETITIONS

In re Application of	:	
Eugene M. Cummings	:	DECISION ON RENEWED
Application No. 11/024,076	:	PETITION PURSUANT TO
Filing Date: May 5, 2005	:	37 C.F.R. § 1.53 AND
Attorney Docket No.: 1434-0006.05	:	PETITION PURSUANT TO
	:	37 C.F.R. § 1.137(B)
Title: MARKING SYSTEM AND APPARATUS	:	
	:	

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.53, filed October 31, 2007, requesting that the above-identified application be accorded a filing date of December 28, 2004 without Figures eight-d and eight-e as part of the original disclosure of the application. This is also a decision on the concurrently submitted petition pursuant to 37 C.F.R. § 1.137(b) to revive this application.

The application was deposited on December 28, 2004. However, on March 9, 2005, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (notice) stating that the application had been accorded a filing date of December 28, 2004, and advising applicants that the application appeared to have been deposited without Figures eight-d and eight-e.

An original petition pursuant to 37 C.F.R. § 1.53 was filed on May 5, 2005. This petition was dismissed via the mailing of a decision on February 16, 2007 for failure to establish that Figures eight-d and eight-e were included as part of the original disclosure of this application.

This decision on the original petition set a two-month period for response. Petitioner failed to provide a timely response, and consequently, this application became abandoned on April 17, 2007. A notice of abandonment was mailed on September 24, 2007.

The petition pursuant to 37 C.F.R. § 1.137(b):

With the present petition, Petitioner has submitted the petition fee, a renewed petition pursuant to 37 C.F.R. § 1.53, and the proper statement of unintentional delay. A terminal disclaimer is not required.

It follows that the petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The renewed petition pursuant to 37 C.F.R. § 1.53:

With this renewed petition, Petitioner has set forth, over his registration number:

> Drawings of Figures eight-d and eight-e are not necessary for the understanding of the subject matter sought to be patented.

Based solely on the Attorney's affirmation, the petition pursuant to 37 C.F.R. § 1.53 is **GRANTED**.

It is noted that Petitioner has concurrently submitted an amendment to the specification that deletes the reference to these two figures.

The application file is being returned to the Office of Patent Application Processing (OPAP) for further processing with a **filing date of December 28, 2004**, the date of deposit of the application, using only the original application papers filed on that date. OPAP will then **mail an updated filing receipt**.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[1].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/024,083	12/28/2004	Olivier de Barsy	GTRC-246	1707

26875 7590 06/15/2010
WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER	
MAKI, STEVEN D	

ART UNIT	PAPER NUMBER
1791	

MAIL DATE	DELIVERY MODE
06/15/2010	PAPER

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

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

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In re Patent No. DE BARSY, OLIVIER
Issue Date: March 11, 2008
Appl. No.: 11/024,083
Filed: December 28, 2004
For: SHOULDER RIBS FOR PNEUMATIC TIRES

DECISION DISMISSING PETITION
37 CFR 1.324

This is a decision on the petition filed March 13, 2008 to correct inventorship under 37 CFR 1.324.

The petition is dismissed.

A petition to correct inventorship as provided by 37 CFR 1.324 requires (1) a statement from each person who is being added as an inventor that the inventorship error occurred without any deceptive intention on their part, (2) a statement from the current named inventors (including any "inventor" being deleted) who have not submitted a statement as per "(1)" either agreeing to the change of inventorship or stating that they have no disagreement in regard to the requested change, (3) a statement from all assignees of the parties submitting a statement under "(1)" and "(2)" agreeing to the change of inventorship in the patent; such statement must comply with the requirements of 37 CFR 3.73(b); and (4) the fee set forth in 37 CFR 1.20(b). This petition lacks the following item: a statement by the assignee agreeing to the change of inventorship.

Richard Crispino
Supervisory Patent Examiner
Art Unit 1791
Patent Examining Group 1700

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

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OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE OH 43023-1200

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FEB 11 2009

OFFICE OF PETITIONS

In re Application of :
Robert J. O'leary, et al. :
Application No. 11/024,093 : ON PETITION
Filed: December 28, 2004 :
Attorney Docket No. 25428B :

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

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 24, 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 pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is January 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 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 3752 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/024,115	12/28/2004	Michael L. Rudd	10010030-4	5296

7590 04/18/2008

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER	
KE, PENG	

ART UNIT	PAPER NUMBER
2174	

MAIL DATE	DELIVERY MODE
04/18/2008	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.

Patent Publication Branch
Office of Data Management

Adjustment date: 04/22/2008 DTERRY
02/05/2005 MBELETE1 00000012 082025 11024115
02 FC:1111 500.00 CR
04 FC:1201 600.00 CR

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HUSCH & EPPENBERGER, LLC
190 CARONDELET PLAZA
ST. LOUIS, MO 63105-3441

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JUL 10 2006

OFFICE OF PETITIONS

In re Application of :
Charles Resor :
Application No. 11/024,156 : ON PETITION
Filed: December 22, 2004 :
Attorney Docket No. 74444-008 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 8, 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 of Incomplete Nonprovisional Application (Notice) mailed February 14, 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 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 15, 2005.

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

This matter is being referred to the Initial Patent Examination Unit.

Irvin Dingle
Petitions Examiner
Office of Petitions

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 04/21/2010

Applicant	: Viktoriya Ivanova	: DECISION ON REQUEST FOR
Patent Number	: 7603378	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/024,157	: 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 **398** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

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OCT 23 2007

OFFICE OF PETITIONS

In re Application of :
Jahng et al. :
Application No. 11/024171 : DECISION ON PETITION
Filed: 12/27/2004 : UNDER 37 CFR 1.55(c)
Attorney Docket No. 559552000122 :

This is a decision on the petition under 37 CFR 1.55(c), filed on 10 September, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to foreign Korean Application No. 2003-0066108, filed on 24 September, 2003.

The petition is **DISMISSED**.

This application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, **and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6))**;
(3) the surcharge as set forth in 37 CFR 1.17(t);
(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director

may require additional information where there is a question whether the delay was unintentional); and

(5) the application which claims benefit of the foreign application must be filed within 12 months of the filing date of the foreign application to which benefit is claimed.

The petition fails to comply with item (2) above. In this regard, a review of the file record fails to disclose that the priority information was included in an oath or declaration or in an Application Data Sheet (ADS) in accordance with 37 CFR 1.76(b)(6). Unless provided in an ADS, 37 CFR 1.63(c)(2) requires that the oath or declaration must identify the foreign application for patent (or inventor's certificate) for which priority is claimed under 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing. *Note* MPEP 201.14.

The supplemental ADS filed with the present petition is improper because it is not signed. 37 CFR 1.33(b) requires that amendments and other papers, except for written assertions pursuant to 37 CFR 1.27(c)(2)(ii), filed in the application must be signed by an appropriate party. Therefore, a supplemental ADS filed after the filing of an application must be signed in accordance with 37 CFR 1.33(b).

In view of the above, compliance with 37 CFR 1.63(c)(2) or 37 CFR 1.76(b)(6) must be satisfied if applicant desires to claim priority to the foreign application noted in the petition. Any future petition should include a cover letter and be entitled "Renewed Petition under 37 CFR 1.55(c)."

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

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

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

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

Any questions concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Jahng et al.	:	
Application Number: 11/024171	:	DECISION ON PETITION
Filing Date: 12/27/2004	:	UNDER 37 CFR 1.55(c)
Attorney Docket Number: 559552000122	:	

This is a decision on the renewed petition under 37 CFR 1.55(c), filed on October 26, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to foreign Korean Application No.2003-0066108, filed on September 24, 2003.

The petition is **GRANTED**.

This pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;

(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number,

country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6);

(3) the surcharge as set forth in 37 CFR 1.17(t);

(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director may require additional information where there is a question whether the delay was unintentional); and

(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

This application was filed on December 27, 2004, which is after November 29, 2000, and is a continuation-in-part of prior-filed Application No. 10/798,014, filed on March 10, 2004, which is a continuation-in-part of prior-filed Application No. 10/728,566, filed on December 5, 2003, which is within 12 months of September 24, 2003 (the filing date of the foreign application to which benefit is now being claimed). On October 26, 2007, a signed supplemental Application Data Sheet (ADS) was received which identifies the foreign application for which priority is claimed by application number, country and filing date. The required petition fee of $1,370.00 was received with the petition. Lastly, petitioner has provided an adequate statement of unintentional delay.

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

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.55(c) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 119(a)-(d) and 37 CFR 1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

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

The address in the renewed petition is different than the correspondence address. A courtesy copy of this decision is being mailed to the address listed in the renewed petition. All future correspondence, however, will be mailed solely to the address of record.

This application is being referred to Technology Center AU 3733 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d).

Any inquiries directly pertaining to this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Anthony Knight
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

Cc: MERLE W. RICHMAN, III
P.O. BOX 3333
LA JOLLA CA 92038-3333

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
11/024,171	12/27/2004	3733	765	559552000122	27	2

CONFIRMATION NO. 3822

CORRECTED FILING RECEIPT

25225
MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

Date Mailed: 12/06/2007

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)

Tae-ahn Jahng, Iksan, KOREA, REPUBLIC OF;
Jason Yim, Solana Beach, CA;
Brian S. Bowman, Solana Beach, CA;

Power of Attorney: The patent practitioners associated with Customer Number 25225

Domestic Priority data as claimed by applicant

This application is a CIP of 10/798,014 03/10/2004
which is a CIP of 10/728,566 12/05/2003

Foreign Applications

REPUBLIC OF KOREA 2003-0066108 09/24/2003

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 **US 11/024,171**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Adjustable spinal stabilization system

Preliminary Class

606

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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JUL 24 2008

OFFICE OF PETITIONS

In re Application of :
Tae-Ahn Jahng, et al. :
Application No. 11/024,171 : DECISION ON PETITION
Filed: December 27, 2004 : TO WITHDRAW
Attorney Docket No. 55955000122 : 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 18, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on January 31, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: BRIAN ROTHERY
STROOCK & STROOCK & LAVAN, LLP
180 MAIDEN LANE
NEW YORK, NY 10038

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.
11/024,181	12/28/2004	John C. Knudson	0B-046500US	3140

55714 7590 05/28/2010

ST. JUDE MEDICAL, ATRIAL FIBRILLATION DIVISION
Legal Department
One St. Jude Medical Drive
St. Paul, MN 55117-9913

EXAMINER	
MEDWAY, SCOTT J	
ART UNIT	**PAPER NUMBER**
3763	

MAIL DATE	DELIVERY MODE
05/28/2010	PAPER

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

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

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ST. JUDE MEDICAL, ATRIAL FIBRILLATION DIVISION
Legal Department
One St. Jude Medical Drive
St. Paul MN 55117-9913

In re Application of:	:	
KNUDSON, JOHN C.	:	
Serial No.: 11/024,181	:	
Filed: Dec. 28, 2004	:	DECISION ON PETITION
Docket: 0B-046500US	:	
Title: LONG TRAVEL STEERABLE CATHETER ACTUATOR	:	

This is a decision on the petition filed on May 24, 2010 seeking withdrawal of the finality of the Office action mailed March 3, 2010. This petition is being considered pursuant to 37 CFR §1.181. No fee is required.

The petition is dismissed as untimely.

In the May 24, 2010 petition, the petitioner requests the finality of the Office action of March 3, 2010 be reconsidered and withdrawn because the applicant believes that the final rejection of February 11, 2009 was premature. In particular, petitioner believes the examiner failed to fully answer all arguments presented by the applicant. A review of the record shows that the instant petition was filed more than two months after the mailing date of the final Office action of March 3, 2010. Pursuant to 37 CFR 1.181(f)[1], the petition is not timely filed since the petition was not filed within two months of the action complained of. As the petition was not timely filed, the requested withdrawal of finality of the Office action of March 3, 2010 will not be granted. It is noted that the Rule 116 amendment was filed on March 18, 2010 was fully considered by the.examiner. In the Advisory Action of April 13, 2010, the examiner has responded to the arguments presented and approved for entry for appeal purpose. .

For reason as stated above, petitioner's request to withdraw the finality of the Office action dated March 3, 2010 is dismissed as untimely.

---

[1] 37 CFR 1.181(f): The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED AS UNTIMELY.

Robert Olszewski, Director
Technology Center 3700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/024,181	12/28/2004	John C. Knudson	0B-046500US	3140

55714 7590 06/18/2010

ST. JUDE MEDICAL, ATRIAL FIBRILLATION DIVISION
Legal Department
One St. Jude Medical Drive
St. Paul, MN 55117-9913

EXAMINER	
MEDWAY, SCOTT J	
ART UNIT	PAPER NUMBER
3763	

MAIL DATE	DELIVERY MODE
06/18/2010	PAPER

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

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

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ST. JUDE MEDICAL, ATRIAL FIBRILLATION DIVISION
Legal Department
One St. Jude Medical Drive
St. Paul MN 55117-9913

In re Application of:	:	
JOHN C. KNUDSON	:	
Serial No.: 11/024,181	:	DECISION ON PETITION TO
Filed: December 28, 2004	:	WITHDRAW HOLDING OF
Docket: 0B-046500US	:	FINALITY
Title: LONG TRAVEL STEERABLE CATHETER ACTUATOR	:	

This is a decision on the petition filed on June 8, 2010 which renews the petition filed May 24, 2010 or, in the alternative, requests the withdrawal of the Office action mailed March 03, 2010 and the Advisory Action mailed April 13, 2010, and the issuance of a complete office action. The petition is being considered pursuant to 37 CFR § 1.181 and no fee is required for the petition.

The petition is **DENIED.**

The record shows the following pertinent information:

1. A first Non-final Office Action was mailed on October 15, 2008, after Applicant's election in response to a restriction requirement, rejecting all claims as being anticipated by *Bowe* (U.S. Pub. 2002/0165484 A1), anticipated by *Heinzelman* (U.S. Pat. 5,364,351), or obvious over *Heinzelman* in view of *Bowe.*
2. Applicant's response to the first Office Action, filed on January 16, 2009, traversed the rejections of the Examiner by argument, and the claims were left substantially unamended.
3. A second Non-final Office Action, mailed on August 18, 2009, after Applicant elected a single species of the invention for examination on the merits, rejected all the claims on new grounds. (All prior rejections were withdrawn). All the claims were then rejected as obvious over *Takayama* (U.S. Pat. 4,559,928) or obvious over *Takayama* in view of *Heinzelman.*

4. Applicant responded to the second office action in a response filed November 18, 2009. In the response, arguments were made and claims were amended to attempt to more clearly distinguish the claims from the prior art.
5. A Final Office Action mailed March 3, 2009 finally rejected all the claims for substantially the same reasons as the second Non-final Office Action, and it referenced the same prior art.
6. Applicant filed a response to the Final Office Action on March 18, 2010. Therein, applicant asserted that the Final Office Action was premature and that the Examiner was not responsive to all the arguments or amendments.
7. Examiner mailed an Advisory Action on April 13, 2010, more fully stating his position. In the Advisory Action, the examiner indicated that the Rule 116 amendment filed on March 18, 2010 will be entered for appeal purpose.
8. On May 24, 2010 applicant filed a Petition under 37 CFR § 1.181 requesting the withdrawal of the finality of the Final Office Action, and a "complete" Office Action with consideration of the Arguments and/or Amendments on the merits.
9. In a decision mailed May 28, 2010, the petition was dismissed as untimely.
10. On June 8, 2010, the current renewed petition was filed, requesting the withdrawal of the finality of the Final Office Action and a consideration of the Amendments and arguments filed March 18, 2009, or, alternatively, applicant requests the withdrawal of the entire Final Office Action that a "complete" Office Action on the merits be issued.

Discussion and Analysis

In the petition, the applicant requests renewal of the previous petition which called for the withdrawal of the finality of the Final Office Action mailed March 3, 2010, or the withdrawal of the Final Office Action and subsequent Advisory Action. Petitioner argues the examiner failed to fully answer all arguments presented by the applicant.

The prosecution history reveals that on May 24, 2010, petitioner filed the petition to withdraw finality of the Office action of March 3, 2010 which is untimely as stated in the earlier decision. Petitioner argues that the reconsideration of premature final rejection filed on Match 18, 2010 serves to reset the time period for filing the petition. This line of argument is not persuasive because the filing of reconsideration is not required (37 CFR § 1.181(c))[1]. Therefore, the petition to withdraw finality is denied as untimely filed.

Petitioners are not correct in stating the action from which relief is requested is the denial of the request for reconsideration made in the advisory action of April 13, 2010. Rather the two month period runs from the mailing of the final Office action of March 3, 2009. Petitioner is objecting

[1] 37 CFR § 1.181(c) states, in part:

> When a petition is taken from an action or requirement of an examiner in the *ex parte* prosecution of an application, or in the *ex parte* or *inter partes* prosecution of a reexamination proceeding, **it may be required that there have been a proper request for reconsideration (§ 1.111) and a repeated action by the examiner.** (Emphasis added)

to the final rejection of March 3, 2010, not the advisory action of April 13, 2010. Under 37 CFR § 1.181(f), the original petition of May 24, 2010 was filed outside of two months of the mailing date of the action from which the relief is requested. Therefore, the petition of May 24, 2010 was untimely. The requested relief will not be granted.

It is noted that the 37 CFR § 1.116 ("Rule 116") amendments that were filed on March 18, 2010 was fully considered by the.Examiner. In the Advisory Action of April 13, 2010, the examiner has fully responded to the arguments presented and approved them for entry for appeal purposes.

In the petition, Petitioner argues that the substance of the non-Final Office Action mailed August 18, 2009 is incomplete or unclear. This line of argument is unconvincing, because the applicant should have brought this alleged error to the Examiner's attention prior to filing a full and complete response. MPEP § 710.06 states that, "[w]here the citation of a reference is incorrect or an Office action contains some other error that affects applicant's ability to reply to the Office action and this error is called to the attention of the Office", these are grounds that warrant a corrected Office Action. (Emphasis added) A review of the Non-final Office Action and the Final Office Action does not show anything incomplete or incomprehensible. Petitioner may not agree with Examiner's analysis, but this is proper subject for appeal, not for petition.

The examiner found that the arguments in the Response, filed November 18, 2009, to the second Non-final Office Action mailed August 18, 2009 were unpersuasive to overcome the 35 U.S.C. § 102 rejections based on *Takayama* and the § 103 rejections based on *Takayama* in view of *Heinzelman.* Therefore, the examiner maintained and repeated the rejection of the claims in the Final Office action mailed on March 3, 2010.

In the petition, Petitioner argues claims under the final rejection based on 35 USC § 112 were for the first time rejected. A review of the Final Office Action shows that the new ground of rejection based on 35 USC § 112 was proper because it was necessitated by the amendment filed on November 18, 2009. In particular, this rejection was based on the language, "wherein the handle is devoid of electrical circuitry coupled to either the axle or the first rack" that was added to independent claim 27, and "fail[ed] to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." The finality of the Final Office Action of March 3, 2010 is in accordance with MPEP § 706.07(a), which states that, "the second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c)."

Under the circumstances, the finality of the March 3, 2010 Office Action, which repeated previous rejections and additionally brought a new 35 U.S.C § 112 rejection in response to the January 15, 2010 amendments, was proper.

Conclusion

For the foregoing reasons, the relief requested by petitioner will not be granted. Specifically, the finality of the Office Action dated March 18, 2010 is proper.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181" and directed to the Office of the Deputy Commissioner for Patent Examination Policy at Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. See MPEP 1002.02(b). Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272- 4856.

PETITION DENIED.

Robert Olszewski, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO, IL 60661

Mail Date: 04/21/2010

Applicant	: Robert Kronenberger	: DECISION ON REQUEST FOR
Patent Number	: 7594774	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/024,183	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/28/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **317** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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SEP 22 2005

Technology Center 2100

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

In re Application of:
Lu, et al.
Application No. 11/024234
Filed: December 27, 2004
For: LATERAL SEARCH

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request To Withdraw from Representation filed August 29, 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: Customer Number: 29858
BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP
900 THIRD AVENUE
NEW YORK, NY 10022

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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

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JUL 09 2007

OFFICE OF PETITIONS

In re Application of :
Andre HANKE, et al :
Application No. 11/024,237 : DECISION ON PETITION
Filed: December 29, 2004 : TO WITHDRAW
Attorney Docket No. 543822010700 : 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 9, 2007.

The request is **APPROVED**.

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

The request was signed by Deborah S. Gladstein on behalf of all attorneys of record who are associated with customer No. 25227.

All attorneys/agents associated with Customer Number 25227 have been withdrawn.

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

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

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

There is an outstanding Office action mailed April 18, 2007 that requires a reply by the applicant.

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

April Wise
Petitions Examiner
Office of Petitions

cc: ANDRE HANKE
AM ANNATAL 35
STRAUSBERG,
GERMANY

cc: GERO G. MCCLELLAN
PATTERSON & SHERIDAN, LLP
3040 POST OAK BOULEVARD,
SUITE 1500
HOUSTON, TX 77056

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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
11/024,237	12/29/2004	Andre Hanke	543822010700

CONFIRMATION NO. 5910

OC000000024353265

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

Date Mailed: 06/14/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/09/2007.

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

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

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

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SEP 15 2008

In re Application of :
Zauderer et al. :
Application No. 11/024,251 : DECISION ON PETITION
Filed: December 29, 2004 :
Attorney Docket No. 1843.0230001/EKS/EJH :

This is a decision on the petition, filed July 25, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice of Non-Compliant Amendment of December 14, 2007, which set a one (1) month shortened statutory period for reply. A reply was due on or before January 14, 2008.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard, which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on January 11, 2008 of, *inter alia,* amendment. A copy of the previously submitted reply accompanies the petition.

The response to the Notice of Non-Compliant Amendment acknowledged as having been received in the USPTO on January 11, 2008 is not of record in the application file and has not to date been located. However, MPEP 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the response to the Notice of Non-Compliant Amendment was timely received in the USPTO but lost after receipt thereof.

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

The copy of the reply supplied with the petition will be accepted in place of the reply shown to have been received by the USPTO on January 11, 2008.

This application is being referred to Technology Center AU 1639 for appropriate action in the normal course of business on the reply received with petition.

Charlema Grant
Petitions Attorney
Office of Petitions

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P.O. BOX 10395
CHICAGO, IL 60610

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OFFICE OF PETITIONS

In re Application of :
Andrew P. Lockwood :
Application No. 11/024,273 : DECISION REFUSING STATUS
Filed: December 27, 2004 : UNDER 37 CFR 1.47(b)
For: AIR-BAG :

This is in response to the petition under 37 CFR 1.47(b), filed August 17, 2005 (Certificate of Mailing Date: August 15, 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 27, 2004 without an executed oath or declaration and naming Andrew P. Lockwood as the sole inventor.

Accordingly, on February 16, 2005, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing.

In response, on August 17, 2005 (Certificate of Mailing Date: August 15, 2005), the instant petition and a four (4) month extension of time were filed.

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 (1), (2) and (5) set forth above.

As to item (1), Rule 47 applicant failed to show or provide proof that the inventor has refused to sign the declaration. It appears that the non-signing inventor was only mailed a copy of the declaration. However, before an inventor can refuse to sign an oath or declaration, he must have been presented with a copy of the application papers (specification, claims and drawings). See MPEP 409.03(d). Petitioner should show that a copy of the application papers was presented to the inventor, but that he did not respond to, or refused, the request that he sign the oath/declaration in order to show that the inventor has refused to join in the application. The proof of the pertinent events should be made by a statement of someone with first hand knowledge of the events.

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. An inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. Staeger v. Commissioner, 189 USPQ 272 (D.D.C. 1976), In re Striker, 182 USPQ 507 (Comm'r Pat. 1973). Where an application is executed by one other than the inventor, the declaration required by 37 CFR 1.63 must state the full name, residence, post office address, and citizenship of the non-signing 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). See MPEP 409.03(b).

As to item (5), Rule 47 applicant failed to show or provide proof that Autoliv Development AB (Autoliv), has sufficient proprietary interest in the subject matter to justify the filing of the application (see MPEP 409.03(f)). Acceptable proof would include a copy of the employment agreement between the non-signing inventor and Autoliv, a copy of an assignment agreement showing that the invention disclosed in the application is assigned to Autoliv, or a legal memorandum signed by an attorney familiar with the law of the jurisdiction stating that a court of competent jurisdiction would by the weight of authority in that jurisdiction award the title of the invention to Autoliv.

After this decision is mailed, deposit account No. 23-1925 will be charged the fee for the petition under 37 CFR 1.47 ($200.00).

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

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

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

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

Telephone inquiries should be directed to the undersigned at (571) 272-3228.

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

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OFFICE OF PETITIONS

In re Application of	:	
Andrew P. Lockwood	:	DECISION NOTING JOINDER OF
Application No. 11/024,273	:	INVENTOR AND PETITION
Filed: December 27, 2004	:	UNDER 37 CFR 1.47(b) MOOT
For: AIR-BAG	:	

This is in response to the "Request For Reconsideration of Petition Under 37 CFR 1.47(b)," filed December 16, 2005.

Petitioner has submitted a Declaration executed by the previously non-signing inventor Andrew P. Lockwood in compliance with 37 CFR 1.63. Therefore, in view of the joinder of the inventors, further consideration under 37 CFR 1.47(a) is not necessary and the petition is considered moot. This application does not require Rule 1.47(a) status, and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

The file is being forwarded to Technology Center 3600 for examination *in due course*.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3228.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1/23/07

Paper No.: ~~~

TO SPE OF : ART UNIT 2824

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/024,279 Patent No.: 7158397B2

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: Corrections are approved

3/7/07

3/7/07

RICHARD T. ELMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

SPE

2824

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

DYKAS, SHAVER & NIPPER, LLP
P.O. BOX 877
BOISE ID 83701-0877

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OCT 22 2007

OFFICE OF PETITIONS

In re Application of :
Greg Hampikian :
Application No. 11/024,293 : ON PETITION
Filed: December 23, 2004 :
Attorney Docket No. HAMG101 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 8, 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 Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 24, 2006. 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) was obtained. Accordingly, the application became abandoned on May 25, 2006. The Notice of Abandonment was mailed December 11, 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 readable compact disc; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay.

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

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DECHERT LLP (WASHINGTON, DC OFFICE)
1775 I STREET, NW
WASHINGTON DC 20006

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JUN 30 2005

OFFICE OF PETITIONS

In re Application of
Czerwinski, et al.
Application No. 11/024,314
Deposited: December 29, 2004
Attorney Docket No. 371600-103US
For: THERMALLY STABLE, FRICTION, WEAR AND DEGRADATION REDUCING COMPOSITION, FOR USE IN HIGHLY STRESSED POWER TRANSMISSION SYSTEMS

: DECISION GRANTING
: PETITION

This is a decision on the petition, filed May 25, 2005, requesting accordation of a December 29, 2004 filing date to the above-identified application.

The petition is **GRANTED**.

The application was deposited on December 29, 2004. On March 22, 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 29, 2004 because no drawing was present, as is required by 35 U.S.C. 113. It is noted that the specification filed on December 29, 2004 describes drawing figures. In response to the Notice, petitioners filed the present petition.

It is noted that the above-identified application contains at least one composition claim. As stated in MPEP 601.01(f), it is the practice of the PTO to treat an application that contains at least one composition, 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 at least one composition claim and the text of the application provides the required description for the disclosed invention. 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 March 22, 2005 was mailed in error regarding the failure to accord a filing date to the application.[1] The petition is **granted**. No petition fee has been or will be charged in connection with this matter.

Regarding the drawings submitted with the instant petition, petitioners assert that they were filed in the PTO on December 29, 2004. However, petitioners have not provided persuasive evidence of this allegation. Therefore, the drawings submitted with the instant petition will not be processed as part of the application papers.

If applicants desire that the drawing figures be added to the application, the appropriate procedure is by way of amendment requesting entry of the figures. Any such amendment should be filed prior to the first action on the merits and the examiner will consider the figures for new matter. See MPEP § 608.02.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **December 29, 2004**. The application is entitled to a filing date of December 29, 2004 without drawing figures.

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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[1] The Notice was correct in noting that applicants had not filed an executed oath/declaration. The Office acknowledges receipt of a one month extension of time fee and an executed declaration.

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Gauthier & Connors LLP
Suite 3300
225 Franklin Street
Boston MA 02110

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DEC 13 2005

OFFICE OF PETITIONS

In re Application of :
Lucht et al. :
Application No. 11/024,326 : DECISION ON PETITION
Filed: December 28, 2004 :
Attorney Docket No. 6777 :

This is a decision on the petition filed October 13, 2005, requesting that the Continued Prosecution Application (CPA), deposited on December 28, 2004, be treated as a continuation application under 37 CFR 1.53(b) rather than 37 CFR 1.53(d), and be accorded a filing date of December 28, 2004.

On December 28, 2004, applicants deposited the above-identified application with the USPTO. On October 13, 2005, applicants filed the present petition, paid a $130.00 petition fee, and authorized the USPTO to charge their Deposit Account for any required fees. In the petition, applicants asserted that the New Application Transmittal, submitted on December 28, 2004, erroneously identified the application as a CPA rather than a continuation application. Applicants stated that they filed the present petition after receiving notification of the error from the USPTO. Therefore, applicants request that the USPTO treat the CPA as an application under 37 CFR 1.53(b) and accord the application a filing date of December 28, 2004.

Upon further review, the petition is granted.

The Office finance records indicate that applicants paid a $130.00 petition fee; however, the correct fee for filing the present petition is $400.00. Therefore, applicants' Deposit Account will be charged the difference in the amount of $270.00.

The Office of Initial Patent Examination is directed to process this application as a continuation application filed under 37 CFR 1.53(b), not under 37 CFR 1.53(d), with the filing date of December 28, 2004, using the application papers filed on that date.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 14 2009

OFFICE OF PETITIONS

Paper No.

Gauthier & Connors LLP
Suite 3300
225 Franklin Street
Boston MA 02110

In re Patent No. 7,517,475 :
Lucht et al. : DECISION ON
Issue Date: April 14, 2009 : REQUEST FOR
Application No. 11/024,326 : RECONSIDERATION OF
Filed: December 28, 2004 : PATENT TERM ADJUSTMENT
Attorney Docket No. URI.6777 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT RECONSIDERATION UNDER 37 C.F.R. § 1.705(D)," filed June 15, 2009, requesting that the patent term adjustment determination for the above-identified patent be changed from one thousand and two (1002) days to one thousand, one hundred and thirty-nine (1139) days.

The request for reconsideration of patent term adjustment is **DISMISSED**.

On April 14, 2009, the above-identified application matured into US Patent No. 7,517,475 with a patent term adjustment of 1002 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 473-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 473 days and the period of adjustment due to other examination delay, pursuant to 37 CFR § 1.702(a)(1) of 1004 days.

The 473-day period is calculated based on the application having been filed under 35 U.S.C. § 111(a) on December 28, 2004, and the instant patent issued on April 14, 2009, which is 3 years and 473 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 2 days for applicant delay is not in dispute.

The period of 1004 days for Office 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 (473 days) and the period of Examination Delay (1004 days) to the extent that these periods of delay are not overlapping. However, Patentees contend that 336 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 1141 days, which is the sum of the period of Three Year Delay (473 days) and the period of Examination Delay (1004 days), reduced by the period of overlap (336 days).

As such, Patentees assert entitlement to a patent term adjustment of 1139 days (473 + 1004 reduced by 336 overlap - 2 (applicant delay)).

The Office agrees that the application issued 3 years and 473 days after its filing date. The Office agrees that a certain action was not taken within the specified time frame, and thus, the entry of a period of adjustment of 1004 days for Office delay is correct. At issue is whether Patentees should accrue 137 days of patent term adjustment for the Office taking in excess of three years to issue the patent (473 days less the 336 days of overlap), as well as 1004 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that the entire 473-day period overlaps. Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> to the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

Likewise, 37 CFR 1.703(f) provides that:

> To the extent that periods of delay attributable to the grounds specified in §1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg.

> 54366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004).

The current wording of § 1.703(f) was revised in response to the misinterpretation of this provision by a number of Patentees. The rule was slightly revised to more closely track the corresponding language of 35 U.S.C. 154(b)(2)(A). The relevant portion differs only to the extent that the statute refers back to provisions of the statute whereas the rule refers back to sections of the rule. This was not a substantive change to the rule nor did it reflect a change of the Office's interpretation of 35 U.S.C. 154(b)(2)(A). As stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding 37 C.F.R. § 1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed. The grounds specified in these sections cover the A) guarantee of prompt Patent and Trademark Office responses, B) guarantee of no more than 3 year application pendency, and C) guarantee or adjustments for delays due to interference, secrecy orders and appeals. A section by section analysis of 35 U.S.C. 154(b)(2)(A) specifically provides that:

> Section 4402 imposes limitations on restoration of term. In general, pursuant to [35 U.S.C.] 154(b)(2)(A)-(C), total adjustments granted for restorations under [35 U.S.C.

> 154](b)(1) are reduced as follows: (1) To the extent that there are multiple grounds for extending the term of a patent that may exist simultaneously (e.g., delay due to a secrecy order under [35 U.S.C.] 181 and administrative delay under [35 U.S.C.] 154(b)(1)(A)), the term should not be extended for each ground of delay but only for the actual number of days that the issuance of a patent was delayed; See 145 Cong. Rec. S14,718[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 28, 2004 to April 14, 2009. 1004 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. All of the 473 days for Office delay in issuing the patent overlap with the 1004 days of Office delay. During that time, the issuance of the patent was delayed by 1004 days, not 1004 + (473 - 336 = 137) days. Other than the period of Office delay pursuant to 37 C.F.R. §1.702(a)(1) which totals 1004 days, the Office took all actions set forth in 37 C.F.R. § 1.702(a) within the prescribed timeframes.

Nonetheless, given the initial 1004 days of Office delay and the 2 days of applicant delay and the time allowed within the time frames for processing and examination, the patent issued three years and 473 days after its filing date. The Office did not delay 1004 days and then an additional 137 days. The 473 days attributed to the delay in the issuance of the patent overlaps with the adjustment of 1004 days attributable to the grounds specified in 37 C.F.R. § 1.702(a)(1). Accordingly, at issuance,

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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 Office properly entered no additional days of patent term adjustment for the Office taking in excess of 3 years to issue the patent. 1004 days is determined to be the actual number of days that the issuance of the patent was delayed, considering the 473 days over three years to the issuance of this patent.

In view thereof, no adjustment to the patent term will be made.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this patent, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this patent unless Change of Correspondence Address, Patent Form (PTO/SB/123) is submitted for the above-identified patent. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/123), may be found at http://www.uspto.gov/web/forms/sb0123.pdf. A blank fee address form may be found at http://www.uspto.gov/web/forms/sb0047.pdf.

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

Christina Tartera Donnell for

Anthony Knight
Supervisor
Office of Petitions

cc: Michael J. Wise
Perkins Coie LLP
P.O. Box 1208
Seattle, Washington 98111-1208

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 –

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[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.

---

[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.

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

3/12/10

Patent No. :7250154
Inventor(s) :Kohn et al.
Issued :7/31/2007
Title :RADIO-OPAQUE POLYMERIC BIOMATERIALS
Atty.doc./File No.

Request for Certificates of Correction

Consideration has been given to your request for the issuance of a Certificate of Correction, for the above – identified patent under the provisions of CFR 1.322.

Inspection of the application for the patent reveals col. 18 & 19 line 28, 6, & 7 is printed in accordance with the record please show evidence of supporting data or amendment. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

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

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

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

PETER BUTCH, ESQ.
FOX ROTHSCHILD LLP
997 LENOX DRIVE
BUILDING 3
LAWRENCEVILLE, NJ 08648-2311

HR

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK NY 10022-2585

MAILED

NOV 10 2009

OFFICE OF PETITIONS

In re Application of :
Masayuki Muranaka, et al. :
Application No. 11/024,368 : DECISION GRANTING PETITION
Filed: December 28, 2004 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. FUJI 21.629 (100794-00788 :

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 20, 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 2611 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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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

COPY MAILED

MAR 0 6 2006

OFFICE OF PETITIONS

In re Application of :
Lewis Lambert :
Application No. 11/024,375 : DECISION ON PETITION
Filed: December 22, 2004 :
Attorney Docket No. 11016US06 :
Title of Invention: Therapeutic :
Compositions Comprising :
Bactericidal/permeability-increasing :
(Bpi) Protein Products

This is a decision on the petition under 37 CFR §1.137(b), filed December 27, 2005, to revive the above-identified application.

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts which was mailed on February 14, 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 15, 2005. A Notice of Abandonment was mailed on October 24, 2005.

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 Initial Patent Examination for further processing of the application.

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

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SHOOK, HARDY & BACON L.L.P.
INTELLECTUAL PROPERTY DEPARTMENT
2555 GRAND BOULEVARD
KANSAS CITY MO 64108-2613

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JUN 0 4 2009

OFFICE OF PETITIONS

In re Application of	:	
Fackler et al.	:	
Application No. 11/024,383	:	ON PETITION
Filed: December 28, 2004	:	
Attorney Docket No. CRNI.118013	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 10, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and a Submission under 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) 272-3206.

This matter is being referred to Technology Center AU 2612 for processing of the Request for Continued Examination (RCE) under 37 CFR 1.114 filed concurrently with the instant petition.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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JUN 22 2005

OFFICE OF PETITIONS

In re Application of :
Pettit :
Application No. 11/024,406 :
Filed: December 30, 2004 :
Attorney Docket No. 000049-00117 :

Decision on Petition

This is a decision on the petition filed March 3, 2005, which is being treated as a petition under 37 CFR 1.53(e)(2), to establish that Figure 1 of the drawings was part of the originally filed application.

The application was filed on December 30, 2004. On February 24, 2005, a Notice was mailed stating that Figure 1 described in the specification did not appear to be included as part of the application filed.

The present petition alleges that Figure 1 was deposited on December 30, 2004. In support, petitioner has submitted a postcard receipt which acknowledges receipt of 5 sheets of drawings on December 30, 2004.[1]

The USPTO file for this application includes only 4 sheets of drawings and does not include a drawing sheet containing Figure 1 described in the specification. However, based on the evidence submitted, the Office concludes the missing sheet was part of the application but was later misplaced. Therefore, the petition is **granted**.

A petition fee will not be charged to petitioner's deposit account.

The Notice mailed February 24, 2005, is vacated to the extent the Notice states Figure 1 is missing. However, the portion of the Notice requiring the submission of an executed oath or declaration is not vacated.

The application will be referred to the Office of Initial Patent Examination for further processing with a filing date of December 30, 2004, using the application papers filed on December 30, 2004, and the copy of the sheet of drawing containing Figure 1 filed on March 3, 2005.

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

Charles Steven Brantley
Petitions Attorney
Office of Petitions

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/024,432	12/30/2004	Harold Yeager	135448-1	8281

33727 7590 05/12/2008
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER	
GREENE, DANIEL LAWSON	
ART UNIT	PAPER NUMBER
3694	

MAIL DATE	DELIVERY MODE
05/12/2008	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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FROM DIRECTORS OFFICE

MAY 09 2008

TECHNOLOGY CENTER 3600

Harness, Dickey & Pierce, P.L.C.
P.O. Box 8910
Reston, Virginia 20195

In re Application of:
Harold Yeager et al.
Application No. 11/024,432
Filed: December 30, 2004
For: **METHOD AND SYSTEM FOR ACCESSING FAILURES OF FUEL RODS**

RESPONSE TO PETITION TO EXPUNGE FILED UNDER 37 CFR 1.59(b)

This is in response to the petition filed on March 18, 2008 request to expunge proprietary information submitted pursuant to the examiner's requirement for further information mailed May 18, 2007.

The decision on the petition will be held in abeyance until allowance of the application or mailing of an *Ex parte Quayle* action or a Notice of Abandonment, at which time the petition will be decided.

Petitioner requests that the documents identified as "User's Manual" and "Letter", submitted March 18, 2008, be expunged from the record. Petitioner states that either (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(h) has been paid.

The decision on the petition is held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time.

In the meantime, the document will be closed whereby any non-Patent and Trademark Office personnel will be precluded from viewing or having access to the document, such as via public PAIRs.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material, the information will be removed from the official file.

Katherine Matecki

for Wynn Coggins, Director
Patent Technology Center 3600
(571) 272-5350

WG/jt
R

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/024,433	12/30/2004	David Joseph Kropaczek	155544-1	8284

33727 7590 08/13/2009

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER	
SAXENA, AKASH	
ART UNIT	**PAPER NUMBER**
2128	
MAIL DATE	**DELIVERY MODE**
08/13/2009	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.

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of:
David Joseph Kropaczek et al.
Serial No.: 11/024,433
Filed: December 30, 2004
Docket: 155544-1
Title: METHOD AND APPARATUS FOR EVALUATING A PROPOSED SOLUTION TO A CONSTRAINT PROBLEM

DECISION ON PETITION TO SUSPEND ACTION BY THE OFFICE UNDER 37 C.F.R. § 1.103(a) & M.P.E.P. § 709

This is a decision on the petition under 37 C.F.R. § 1.103(a) & M.P.E.P. § 709 filed May 26, 2009 to a second request for suspension of action by the Office.

The Petition is **GRANTED**.

Recent Prosecution History

August 10, 2007 – First action on the merits mailed.

November 13, 2007 – A response to the non-final filed.

February 05, 2008 – Final Office Action mailed, including rejection of claims under 35 USC §101 and §112 first and second paragraphs.

June 05, 2008 – RCE filed with a request for a suspension of action by the Office pending on a decision by the BPAI on a related application (10/246,716) with similar §101 and §112 issues.

November 26, 2008 – The request for suspension of action under 37 CFR 1.103 was approved. Action in the application was suspended for a period of 6 months, starting November 26, 2008.

May 26, 2009 – Applicant filed a second request for suspension of action by the Office under 37 C.F.R. § 1.103(a) & M.P.E.P. § 709.

RELIEF REQUESTED

Applicant requests a suspension of action by the Office pending on a decision by the Board of Patent Appeals and Interferences (BPAI) on a related application (10/246,716) with similar §101 and §112 issues.

RULES AND PROCEDURE

37 CFR 1.103 states in part:

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. Any petition for suspension of action under this paragraph must also include:

(1) A showing of good and sufficient cause for suspension of action; and

(2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office

DECISION

The Request for Suspension of Examination is accompanied by a fee set for the in 37 CFR §1.17(g). There is no Office action outstanding. Petitioner has provided good and sufficient cause for suspension of action by stating a decision by the BPAI on a related application (10/246,716) with similar §101 and §112 issues is pending.

For the reasons set forth above, the petition is **GRANTED**.

It is noted that Applicant has not specified a period of suspension with the request filed May 26, 2009 as required by 37 CFR 1.103 above. In the future, Applicant is advised to specify a period of suspension not exceeding six months in any request for suspension of action by the Office.

Based on the status of the Appeal in related application 10/246,716, action in the instant application is hereby suspended for a period of 6 months, starting from mailing date of this Decision.

Wendy Garber, Director
Technology Center 2100

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/024,433	12/30/2004	David Joseph Kropaczek	155544-1	8284

33727 7590 07/02/2010
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER	
SAXENA, AKASH	
ART UNIT	**PAPER NUMBER**
2128	
MAIL DATE	**DELIVERY MODE**
07/02/2010	PAPER

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

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

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Technology Center 2100

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of:
David Joseph Kropaczek et al.
Serial No.: 11/024,433
Filed: December 30, 2004
Docket: 155544-1
Title: METHOD AND APPARATUS FOR EVALUATING A PROPOSED SOLUTION TO A CONSTRAINT PROBLEM

DECISION ON PETITION TO SUSPEND ACTION BY THE OFFICE UNDER 37 C.F.R. § 1.103(a) & M.P.E.P. § 709

This is a decision on the petition under 37 C.F.R. § 1.103(a) & M.P.E.P. § 709 filed February 16, 2010 to a third request for suspension of action by the Office.

The Petition is **DISMISSED**.

Recent Prosecution History

August 10, 2007 – First action on the merits mailed.

November 13, 2007 – A response to the non-final filed.

February 05, 2008 – Final Office Action mailed, including rejection of claims under 35 USC §101 and §112 first and second paragraphs.

June 05, 2008 – RCE filed with a request for a suspension of action by the Office pending on a decision by the BPAI on a related application (10/246,716) with similar §101 and §112 issues.

November 26, 2008 – The request for suspension of action under 37 CFR 1.103 was approved. Action in the application was suspended for a period of 6 months, starting November 26, 2008.

May 26, 2009 – Applicant filed a second request for suspension of action by the Office under 37 C.F.R. § 1.103(a) & M.P.E.P. § 709.

August 13, 2009 – The request for suspension of action under 37 CFR 1.103 was approved. Action in the application was suspended for a period of 6 months, starting August 13, 2009.

February 16, 2010 – Applicant filed a third request for suspension of action by the Office under 37 C.F.R. § 1.103(a) & M.P.E.P. § 709.

RELIEF REQUESTED

Applicant requests a suspension of action by the Office pending on a decision by the Board of Patent Appeals and Interferences (BPAI) on a related application (10/246,716) with similar §101 and §112 issues.

RULES AND PROCEDURE

37 CFR 1.103 states in part:

Suspension of action by the Office.

(a) Suspension for cause. On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:

(1) A showing of good and sufficient cause for suspension of action; and

(2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office

DECISION

The Request for Suspension of Examination is accompanied by a fee set for the in 37 CFR §1.17(g). There is no Office action outstanding. However, Applicant has not specified a period of suspension with the request filed February 16, 2010. Therefore the petition fails to meet all of the requirements of 37 CFR 1.103 above.

For the reasons set forth above, the petition is **DISMISSED.**

The application is being forwarded to examiner of record for consideration of the Request for Continued Prosecution (RCE) filed June 5, 2008.

Any questions regarding this decision should be directed to Kakali Chaki at (571)272-3719.

Wendy Garber, Director
Technology Center 2100

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

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OCT 20 2006

OFFICE OF PETITIONS

In re Application of	:	
Lee	:	
Application No. 11/024,435	:	DECISION ON PETITION
Filed: December 30, 2004	:	TO WITHDRAW
Attorney Docket No. 262863US8	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 15, 2006.

The request is **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).

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: JUN SEOK LEE
802-906 LOTTE APT. GANGSUN MEUL
63 JUYEOP-DONG, ILSAN-GU, ILSAN-GU
GOYANG, KYUNGGIDO
KOREA

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-D0 420-807 Korea

cc: KBK & ASSOCIATES
15TH Floor, YoSam Building, 648-23
Yeoksam-dong
Seoul 135-748
Republic of Korea

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/024,435	12/30/2004	Jun Seok Lee	262863US8

CONFIRMATION NO. 8247

OC000000020836460

OC000000020836460

22850
C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 10/13/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/15/2006.

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

APRIL M WISE
OP (571) 272-1642

FORMER ATTORNEY/AGENT COPY

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Commissioner for Patents
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P.O. Box 1450
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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

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NOV 21 2006

OFFICE OF PETITIONS

In re Application of :
Kim, Yeong Sil :
Application No. 11/024,437 :
Filed: December 30, 2004 :
Attorney Docket No. 262853US-8 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 10, 2006.

The request is **NOT APPROVED.**

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

Cc:

KBK & ASSOCIATES
15TH FLOOR, YOSAM BUILDING, 648-23
YEOKSAM-DONG
KANGNAM-KU
SEOUL 135-748
REPUBLIC OF KOREA

YEONG SIL KIM
910-804 JUGONG APT., BYUKJEOKGOL
YEONGTONG-DONG, PALDAL-GU
SUWON, KYUNGGIDO
KOREA

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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 Application of	:	
Kim, Yeong Sil	:	DECISION ON PETITION
Application No. 11/024,437	:	TO WITHDRAW
Filed: December 30, 2004	:	FROM RECORD
Attorney Docket No. 262853US-8	:	

CORRECTED DECISION

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 10, 2006. The previous decision mailed November 21, 2006 is hereby VACATED.

The request is **APPROVED**.

The request was signed by C. Irvin McClelland on behalf of all attorneys of record who are associated with Customer Number 22850.

All attorneys/agents associated with 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 inventor; or (2) of an assignee of the entire interest that has taken action in the instant application. All future communications from the Office will continue to be directed to the first named inventor at the below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

Cc:

YEONG SIL KIM
910-804 JUGONG APT., BYUKJEOKGOL
YEONGTONG-DONG, PALDAL-GU
SUWON, KYUNGGIDO
KOREA

KBK & ASSOCIATES
15TH FLOOR, YOSAM BUILDING, 648-23
YEOKSAM-DONG
KANGNAM-KU
SEOUL 135-748
REPUBLIC OF KOREA

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

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NOV 21 2006

OFFICE OF PETITIONS

In re Application of	:	
Seo, Young Hun	:	DECISION ON PETITION
Application No. 11/024,439	:	TO WITHDRAW
Filed: December 30, 2004	:	FROM RECORD
Attorney Docket No. 262849US-8	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 10, 2006.

The request is **NOT APPROVED**.

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

Cc:

KBK & ASSOCIATES
15TH FLOOR, YOSAM BUILDING, 648-23
YEOKSAM-DONG
KANGNAM-KU
SEOUL 135-748
REPUBLIC OF KOREA

YOUNG HUN SEO
2334-302 LAILAK MAEUL APT.
SANG-DONG, WONMI-GU
BUCHEON, KYUNGGIDO
KOREA

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1940 DUKE STREET
ALEXANDRIA VA 22314

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OFFICE OF PETITIONS

In re Application of	:	
Seo, Young Hun	:	DECISION ON PETITION
Application No. 11/024,439	:	TO WITHDRAW
Filed: December 30, 2004	:	FROM RECORD
Attorney Docket No. 262849US-8	:	

CORRECTED DECISION

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 10, 2006. The previous decision mailed November 21, 2006 is hereby VACATED.

The request is **APPROVED**.

The request was signed by C. Irvin McClelland on behalf of all attorneys of record who are associated with Customer Number 22850.

All attorneys/agents associated with 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 inventor; or (2) of an assignee of the entire interest that has taken action in the instant application. All future communications from the Office will continue to be directed to the first named inventor at the below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

Cc:

YOUNG HUN SEO
2334-302 LAILAK MAEUL APT.
SANG-DONG, WONMI-GU
BUCHEON, KYUNGGIDO
KOREA

KBK & ASSOCIATES
15TH FLOOR, YOSAM BUILDING, 648-23
YEOKSAM-DONG
KANGNAM-KU
SEOUL 135-748
REPUBLIC OF KOREA

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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 Application of	:	
CHOI	:	
Application No. 11/024,466	:	DECISION ON PETITION
Filed: December 30, 2004	:	TO WITHDRAW
Attorney Docket No. 262541US8	:	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: Yong Keon Choi
406-9, Simgok 2-dong, Wonmi-ku,
Bucheon-city, Kyungki-do, 420-827,
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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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
11/024,466	12/30/2004	Yong Keon Choi	262541US8

CONFIRMATION NO. 4362

OC000000021265701

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.

PATRICIA A VOLPE
OP (571) 272-6825

FORMER ATTORNEY/AGENT COPY

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P.O. Box 1450
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LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

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AUG 15 2007
OFFICE OF PETITIONS

In re Application of

Yong Keon Choi :

Application No. 11/024,466

: DECISION ON PETITION

Filed: December 30, 2004

:

Attorney Docket No. 123016-0135672

This is a decision on the petition under 37 CFR 1.137(b), filed, July 5, 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 December 6, 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 March 7, 2007.

The amendment filed July 5, 2007, is noted.

The application is being forwarded to Technology Center 2800, GAU 2818 for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

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OFFICE OF PETITIONS

In re Application of	:	
LEE, et al.	:	
Application No. 11/024,467	:	DECISION ON PETITION
Filed: December 30, 2004	:	TO WITHDRAW
Attorney Docket No. 262462US	:	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.

A Review of the file discloses that a non-final Office action was mailed on October 19, 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 October 19, 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: Date-Gun Lee
704-1001, Ami-ri, Bubal-eup,
Icheon-city,
Kyungki-do 467-866,
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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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/024,467	12/30/2004	Date-Gun Lee	262462US

CONFIRMATION NO. 4342

OC000000021265108

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.

PATRICIA A VOLPE
OP (571) 272-6825

FORMER ATTORNEY/AGENT COPY

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

In re Application of	:	
Jin Hyo Jung	:	
Application No. 11/024,468	:	DECISION ON PETITION
Filed: December 30, 2004	:	TO WITHDRAW
Attorney Docket No. 262833US8	:	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 7, 2006.

The request is **APPROVED**.

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

The request was signed by 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 an outstanding Office action mailed May 30, 2006 that requires a reply from the applicant.

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

Anthony Ju
Petitions Examiner
Office of Petitions

cc: **Jin Hyo Jung**
222-1 Dodang-dong, Wonmi-gu
Bucheon, Kyunggido
Korea

cc: **KBK & Associates**
15th Floor, YoSam Building, 648-23
Yeoksam-dong
Kangnam-ku
Seoul 135-748
Republic of Korea

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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MAYER, BROWN, ROWE & MAW LLP
1909 K STREET, N.W.
WASHINGTON, DC 20006

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MAR 2 8 2007

OFFICE OF PETITIONS

In re Application of :
Jin Hyo Jung. :
Application No. 11/024,468 : ON PETITION
Filed: December 30, 2004 :
Attorney Docket No. 262833US8 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed January 25, 2007.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on October 31, 2006, after a proper response to the final Office action mailed February 16, 2006, was not received. The final Office action allowed a shortened statutory period for reply of three (3) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A review of the application file reveals that an amendment was filed on October 30, 2006, along with a request for an extension of time within the second month. An Advisory Action mailed November 22, 2006, explained that the amendment of October 30, 2006, failed to place the application in condition for allowance. No further responses were filed within the allowable period, and the application became abandoned on October 31, 2006. A Notice of Abandonment was mailed January 12, 2007.

By the instant petition, petitioner maintains that the holding of abandonment should be withdrawn because the Advisory Action mailed November 22, 2006, was mailed to an incorrect address, notwithstanding the power of attorney appointing the firm of Mayer, Brown, Rowe & Maw LLP, filed October 30, 2006. The USPTO is obligated to send correspondence to the correct correspondence address of record as indicated by the inventor, assignee, or attorney of record. Likewise, applicants are charged with providing the USPTO with timely notification of changes in the correspondence address of record. In this case, the applicant provided the USPTO with timely notification of the change of correspondence address, but the USPTO did not enter the change in a timely manner. Arguably, this may have prevented applicant from filing a response to the final Office action that may have kept the application from going abandoned, i.e., a Request for Continued Examination. The holding of abandonment is withdrawn, accordingly.

The Request for Continued Examination, filed January 25, 2007, is noted.

The request for an extension of time within the third month, filed January 25, 2007, is noted, but cannot be granted as the request was made outside the maximum statutory period for reply to the final Office action. The amount of $570.00 will be refunded, in due course.

The application file is being forwarded to Technology Center 2800, GAU 2824 for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

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OFFICE OF PETITIONS

In re Application of	:	
OH	:	
Application No. 11/024,476	:	DECISION ON PETITION
Filed: December 30, 2004	:	TO WITHDRAW
Attorney Docket No. 262458US8	:	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: Su Jin Oh
180-535 Bongcheon 11-dong,
Kwanak-ku, Seoul 151-815,
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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1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

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AUG 15 2007

OFFICE OF PETITIONS

In re Application of

Sun Jin Oh :

Application No. 11/024,476

: DECISION ON PETITION

Filed: December 30, 2004

:

Attorney Docket No. 123016-0134973

This is a decision on the petition under 37 CFR 1.137(b), filed, July 5, 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 December 6, 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 March 7, 2007.

The amendment filed July 5, 2007, is noted.

The application is being forwarded to Technology Center 2800, GAU 2818 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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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/024,483	12/30/2004	Toshihiro Miyamoto	1046.1340	4267

7590 10/08/2008

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

EXAMINER	
RADOSEVICH, STEVEN D	

ART UNIT	PAPER NUMBER
2117	

MAIL DATE	DELIVERY MODE
10/08/2008	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.

Kaletus Buchanan

Patent Publication Branch
Office of Data Management

Adjustment date: 10/08/2008 KKING1
01705/2005 MBIZUNES 00000079 11024483
02 FC:1111 -500.00 OP

Repln. Ref: 10/08/2008 KKING1 0014501800
DA#:193935 Name/Number:11024483
FC: 9204 $500.00 CR

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AUG 01 2007

TECHNOLOGY CENTER 3600

Leo J. Jennings
BAKER & HOSTETLER LLP
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5304

In re Application of :
Xiaobing Hu et al : DECISION ON PETITION
Application No. 11/024,487 : REGARDING REQUEST TO
Filed: December 30, 2004 : WITHDRAW FINALITY
Attorney Docket No.: 87335.4020 : UNDER 37 CFR 1.181
For: SANITARY HUB ASSEMBLY AND :
METHOD FOR IMPELLER MOUNTING :
On Shaft :

This is in response to applicants' petition under 37 CFR 1.181 filed May 11, 2007 requesting withdrawal of the finality of the Office action mailed February 12, 2007 as being improper.

The petition is **DISMISSED AS MOOT.**

A review of the file reveals that a Request for Continued Examination (RCE) was filed on July 11, 2007 and that a non-final Office action in response to the RCE has been mailed on July 27, 2007. The RCE filing automatically withdraws the finality and reopens prosecution. See 37 CFR 1.114(d).

In view of the above, applicants' petition is moot and is hereby dismissed.

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

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

SNM/DS: 7/30/07

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

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APR 1 3 2009

OFFICE OF PETITIONS

In re Application of
Hong CHEN, et al
Application No. 11/024,511
Filed: December 28, 2004
Attorney Docket No. 249212028200

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 24, 2009.

The request is **APPROVED**.

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

The request was signed by Robert A. Saltzberg on behalf of the attorneys of record associated with Customer No. 25226.

The attorneys of record associated with Customer No. 25226 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 indicated below until otherwise properly notified by the applicant.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: HONG CHEN
3 BITTERSWEET CIRCLE
SHREWSBURY, MA 01545

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/024,523	12/29/2004	Jan C. Donck	2001B118B	8729

23455 7590 05/09/2008
EXXONMOBIL CHEMICAL COMPANY
5200 BAYWAY DRIVE
P.O. BOX 2149
BAYTOWN, TX 77522-2149

EXAMINER	
CHEUNG, WILLIAM K	

ART UNIT	PAPER NUMBER
1796	

MAIL DATE	DELIVERY MODE
05/09/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

5-9-08

In re application of: Donck et al.	:	DECISION ON
Serial No.: 11/024,523	:	PETITION
Filed: December 29, 2004	:	
For: TUBULAR POLYMERIZATION REACTORS AND POLYMERS MADE THEREIN	:	

This is a decision on the PETITION UNDER 37 CFR 1.181 to request reconsideration of the finality of the Office Action. The petition was filed January 17, 2008.

On June 20, 2007, a non-final office action was mailed to applicant rejecting the claims under 35 USC 102 and 103. A reply to the office action was filed by applicants on August 30, 2007. A final office action was mailed by the office on November 16, 2007. In addition to rejections under 35 USC 102, and 103, a rejection under 35 USC 112, second paragraph was added. On January 17, 2008 the instant petition under 37 CFR 1.181 was timely filed to formally request the withdrawal of finality of the November 16, 2007 office action. A Request for Continued Examination was filed on March 17, 2008.

Petitioner's position for the withdrawal of the finality is that the rejections made in the final rejection could have been made in the first office action.

DECISION

A Request for Continued Examination has been filed. Accordingly, the petition for withdrawal of finality is **DISMISSED** as moot.

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

WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE WA 99201

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/024,552	12/28/2004	Georgi Stanev	6570P226	4409

8791 7590 03/12/2008

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER	
HO, ANDY	

ART UNIT	PAPER NUMBER
2194	

MAIL DATE	DELIVERY MODE
03/12/2008	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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ROBERT B. O'ROURKE
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

MAILED

MAR 12 2008

Technology Center 2100

In re Application of: Stanev et al.
Patent No. N/A
Application No.: 11/024552
Filed: December 28, 2004

: RESPONSE TO REQUEST TO
; CORRECT INVENTORSHIP
: UNDER 37 C.F.R. § 1.48 (a)

For: SYSTEM AND METHOD FOR SERIALIZING JAVA OBJECTS OVER SHARED CLOSURES

Applicants' request to correct the inventorship of the above-referenced application filed under 37 C.F.R. § 1.48(a) has been received. This petition is **GRANTED**.

A proper petition under this code section requires the following items. 1) A request to correct the inventorship that sets forth the desired inventorship change. 2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47. 4) The processing fee set forth in § 1.17(i). 5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee. Applicant's have complied with each requirement.

/Thomson D. William/

William D. Thomson
Supervisory Patent Examiner
Art Unit 2194
(571)272-3718

UNITED STATES PATENT AND TRADEMARK OFFICE

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Quine Intellectual Property Law Group, PC
P.O. Box 458
Alameda, CA 94501

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FEB 20 2008

OFFICE OF PETITIONS

In re Application of	:	
Kenneth E. Schwartz	:	
Application No. 11/024,557	:	DECISION ON PETITION
Filed: December 28, 2004	:	TO WITHDRAW
Attorney Docket No. 12E-980712US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed December 19, 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 attorneys of record who are associated with customer No. 22798. All attorneys/agents associated with the Customer Number 22798 have been withdrawn.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to the assignee. A courtesy copy of this decision will be mailed to the address noted on the request. If you would like to receive future correspondence then the proper power of attorney documents must be submitted.

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

There are no outstanding Office actions in this case.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Genelabs Technologies, Inc.
505 Penobscot Drive
Redwood City, CA 94063

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/024,557	12/28/2004	Kenneth E. Schwartz	12E-980712US

CONFIRMATION NO. 4404

POWER OF ATTORNEY NOTICE

22798
QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P O BOX 458
ALAMEDA, CA 94501

Date Mailed: 02/20/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/19/2007.

- 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.

/kainabinet/

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

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
11/024,564	12/28/2004	2121	1000	IVACP-70188	12	14	3

CONFIRMATION NO. 4412

CORRECTED FILING RECEIPT

OC000000017465911

24201
FULWIDER PATTON
6060 CENTER DRIVE
10TH FLOOR
LOS ANGELES, CA 90045

Date Mailed: 11/16/2005

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 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)

Joseph J. Engleson, Carlsbad, CA;
Craig Chamberlain, Ann Arbor, MI;

Assignment For Published Patent Application

ALARIS Medical Systems, Inc.

Power of Attorney:

Richard Bardin–20365
Craig Bailey–28786
Nicholas Kees–29552
James Paul–29967
John Nagy–30664
Thomas Runk–30679
Thomas Majcher–31119
John Fitzgerald–38881

Domestic Priority data as claimed by applicant

This application is a CON of 10/622,983 07/18/2003 PAT 6,915,170
which is a CON of 09/114,581 07/13/1998 PAT 6,671,563
which is a CIP of 08/440,625 05/15/1995 PAT 5,781,442

Foreign Applications

If Required, Foreign Filing License Granted: 02/16/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/024,564

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

System and method for programming a clinical device

Preliminary Class

700

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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Kenneth A. Nelson
Bryan Cave LLP
Suite 2200
Two North Central Avenue
Phoenix, AZ 85004-4406

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JUL 17 2006
OFFICE OF PETITIONS

In re Application of :
Nalwad et al. :
Application No. 11/024,593 :
Filed: December 28, 2004 : ON PETITION
Attorney Docket Number: 0182526 :

This is a decision in response to the Petition under 37 CFR 1.137(b), filed February 3, 2006, to revive the above-identified application.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (hereinafter "Notice"), mailed March 22, 2005. The Notice set a period for reply of two (2) months from the mail date of the Notice. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on May 23, 2005. A Notice of Abandonment was mailed December 8, 2005.

With the instant petition Petitioner has filed the necessary documents and paid the requisite fees.

The Oath/declaration has been entered and made of record.

A refund of the extension of time fee has been credited to Applicant's deposit account[1].

This application is being forwarded to the Office of Initial Patent Examination for continued processing in due course.

[1] Applicant is advised that extensions of time are only available during the response period as set forth in the Office communication. Once an Applicant has allowed to period for response to expire, including extensions of time, the application becomes abandoned, and no extensions of time to respond to the Office communication are available. The application must be revived by way of petition (and petition fee).

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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ASHKAN NAJAFI, P.A.
6817 SOUTHPOINT PARKWAY
SUITE 2301
JACKSONVILLE FL 32216

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OFFICE OF PETITIONS

In re Application of :
Doug R. Johnson et al. :
Application No. 11/024,602 : ON PETITION
Filed: December 30, 2004 :
Attorney Docket No. DIS1236 :

This is a decision on the petition filed December 14, 2007 under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition to withdraw the holding of abandonment is **GRANTED**.

The application was held abandoned on August 2, 2007 for failure to file a timely response to the non-Final Office Action mailed May 1, 2007, which set a three (3) month shortened period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed December 4, 2007.

Petitioner asserts that a proper response, was filed on July 30, 2007. In support, petitioner submits a copy of the reply said to have been filed, which includes a certificate of mail dated July 30, 2007, pursuant to 37 CFR 1.8.

The evidence submitted corroborates a timely response to the non-Final Office Action. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee Is due and none has been charged.

This matter is being referred to Technology Center 3634 for appropriate action on the amendment filed July 30, 2007, a copy of which was submitted December 14, 2007 with the instant petition.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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FRANKFORT IL 60423

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OFFICE OF PETITIONS

In re Application of :
Rodrigo B. Vera :
Application No. 11/024,605 :
Filed: December 30, 2004 :
Attorney Docket No. 04B-2118 :

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(b)

This is in response to the petition under 37 CFR 1.47(b), filed May 31, 2005.

Applicant is given TWO (2) 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 inventors. 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 30, 2004, applicant filed the above-identified application without an executed oath or declaration. On April 4, 2005, the Office mailed a Notice to File Missing Parts of Application to applicant, requiring an executed oath or declaration and a surcharge for its late filing. On May 31, 2005, applicant submitted the present petition, a declaration, the petition fee 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; (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) as set forth above.

As to item (2), the Office notes that pursuant to Section 409.03(b)(A) of the Manual for Patent Examining Procedure:

> 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 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 Section 324. An inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. *Staeger v. Commissioner*, 189 USPQ 272 (D.D.C. 1976), *In re Striker*, 182 USPQ 507 (Comm'r Pat. 1973). Where an application is executed by one other than the inventor, the declaration required by 37 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).

Applicant did not present an oath or declaration for the patent application in compliance with 37 CFR 1.64. Applicants submitted a declaration signed by James A. Kuipers, Director of Environmental Control Technologies, Inc. As indicated above, where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer or Chief Executive Officer) should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the USPTO, to sign the oath or declaration on its behalf.

A Director of a Corporation is not an officer of the corporation. Additionally, there is no indication that the corporation authorized Mr. Kuipers to sign the declaration on its behalf. Therefore, applicant must submit a new declaration signed by a corporate officer or an individual authorized by the corporation to sign on its behalf.

As to item (5), applicant failed to show that Environmental Control Technologies, Inc. has sufficient proprietary interest in the subject matter to justify the filing of the application.

> When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that
>
> (A) the invention has been assigned to the applicant, or
>
> (B) the inventor has agreed in writing to assign the invention to the applicant, or
>
> (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.
>
> If the application has been assigned, a copy of the assignment (in the English language) must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant. A statement under 37 CFR 3.73(b) by the assignee must also be submitted

(see MPEP § 324). An assignment of an application and any "reissue, division, or continuation of said application" does not itself establish an assignment of a continuation-in-part application. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956). An assignment to a 37 CFR 1.47(b) applicant for the sole purpose of obtaining a filing date for a 37 CFR 1.47(b) application is not considered an assignment within the meaning of 35 U.S.C. 118 and 37 CFR 1.47(b).

When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

If the invention has not been assigned, or if there is no written agreement to assign, the 37 CFR 1.47(b) applicant must demonstrate that he or she otherwise has a sufficient proprietary interest in the matter.

A proprietary interest obtained other than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

MPEP 409.03(f).

Accordingly, the petition is dismissed.

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

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

By FAX: (703) 872-9306
Attn: Office of Petitions
(On or after July 15, 2005 - (571) 273-8300))

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

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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10281 WEST LINCOLN HIGHWAY
FRANKFORT IL 60423

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OFFICE OF PETITIONS

In re Application of :
Rodrigo B. Vera :
Application No. 11/024,605 :
Filed: December 30, 2004 :
Attorney Docket No. 04B-2118 :

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(b)

This is in response to the renewed petition under 37 CFR 1.47(b), filed September 6, 2005.

On December 30, 2004, applicant filed the above-identified application without an executed oath or declaration. On April 4, 2005, the Office mailed a Notice to File Missing Parts of Application to applicant, requiring an executed oath or declaration and a surcharge for its late filing. On May 31, 2005, applicant submitted the original petition under 37 CFR 1.47(b), a declaration, the petition fee and a surcharge. On July 5, 2005, the Office dismissed the petition because applicant lacked an acceptable declaration and proof of proprietary interest.

On September 6, 2005, applicant submitted the present renewed petition, a declaration signed by James A. Kuipers, President of Environmental Control Technologies, Inc. ("ECT"), a legal memorandum signed by John A. Hiskes, an Illinois attorney, and an Affidavit of James A. Kuipers and John Herzog, the officers, directors and shareholders of ECT. In the present petition, applicant demonstrated by an appropriate legal memorandum that a court of competent jurisdiction would by the weight of authority in that jurisdiction award title of the invention to ECT.

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).

As to item (2), the Office appreciates that applicant utilized the Form PTO/SB/01 – Declaration – Utility or Design Patent. Furthermore, applicant submitted a declaration with the present petition that was properly signed by Mr. Kuipers, an officer of the ECT. Unfortunately, Mr. Kuipers'

information and signature are in the block for the second named inventor. As applicant previously stated, Rodrigo B. Vera is the sole inventor. To avoid any confusion as to the inventive entity, as well as to ensure the record is correct on its face, the Office requests that applicant submit a new declaration completed and signed by Mr. Kuipers on behalf of the non-signing inventor. The Office suggests that applicant provide the information and signature of Mr. Kuipers in the blank space at the bottom of the form to avoid any mistaken belief that Mr. Kuipers is also a named inventor in the subject application.

Accordingly, the petition is dismissed without prejudice upon the filing of a request for reconsideration and a declaration executed in the manner described above.

Applicant is given TWO (2) MONTHS from the mailing date of this decision to respond, correcting the deficiency. 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 inventors. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By FAX:	(703) 872-9306 Attn: Office of Petitions (On or after July 15, 2005 - (571) 273-8300))
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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FRANKFORT IL 60423

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OFFICE OF PETITIONS

In re Application of :
Rodrigo B. Vera :
Application No. 11/024,605 :
Filed: December 30, 2004 :
Attorney Docket No. 04B-2118 :

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(b)

This is in response to the renewed petition under 37 CFR 1.47(b), filed November 3, 2005.

The petition is granted.

Applicant showed that Rodrigo B. Vera, the non-signing inventor, refused to join in the application after applicant mailed him a copy of the application papers. Specifically, James A. Kuipers and John Herzog stated that a copy of the application and the declaration were mailed to the non-signing inventor for his signature at his last known address; however, Mr. Vera did not respond to the request to sign the declaration. Applicant showed that ECT has a proprietary interest in the above-identified application with the submission of a legal memorandum signed by John A. Hiskes, an Illinois attorney. The legal memorandum indicated that a court of competent jurisdiction would by the weight of authority in that jurisdiction award title of the invention to ECT. Additionally, applicant averred that the filing was necessary to preserve the rights of the parties. Lastly, applicant submitted an acceptable declaration and paid the requisite petition fee.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

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

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Rodrigo Vera
575 Forest Drive,
Leeds, AL 35094.

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NOV 2 1 2005

OFFICE OF PETITIONS

In re Application of :
Rodrigo B. Vera : LETTER
Application No. 11/024,605 :
Filed: December 30, 2004 :
Attorney Docket No. 04B-2118 :

Dear Mr. Vera:

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

DAVIS CHIN
10281 WEST LINCOLN HIGHWAY
FRANKFORT IL 60423

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P O BOX 2087
HUNTSVILLE, AL 35804-2087

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FEB 13 2008

OFFICE OF PETITIONS

In re Application of :
RODRIGO B.VERA : ON PETITION
Application No. 11/024,605 :
Filed: 12/30/2004 :
Attorney Docket No. 04B-2118 :

This is in response to the petition under 37 CFR 1.137(b), filed October 2, 2007, to revive the above-identified application, which is being treated as a petition under 37 CFR 1.181.[1]

The above-identified application became abandoned for failure to file a timely response to the non-final Office Action, mailed March 17, 2006, which set a three-month shortened statutory period for reply. No extensions of that time period were obtained pursuant to 37 CFR 1.136(a). Accordingly, the above-identified application became abandoned on June 18, 2006. A Notice of Abandonment was mailed on December 27, 2006.

Initially, the Office notes that a brief review of the procedural history is necessary. On November 3, 2005, Environmental Control Technologies, Inc. (ECT), through its attorney, David Chin, filed a renewed petition under 37 CFR 1.47(b), which was granted by the decision of November 21, 2005. The decision stated that the application and papers submitted on petition had been reviewed and were found to be in compliance with 37 CFR 1.47(b). The decision further indicated that the application had been accorded 37 CFR 1.47(b) status and that the Office would forward notice of the application's filing to the sole non-signing inventor, Rodrigo B. Vera, as provided in 37 CFR 1.47(c).

On January 23, 2006, Mr. Vera joined in the application by filing an appropriate 37 CFR 1.63 declaration. On October 2, 2007, Mr. Vera submitted a Power of Attorney and Correspondence Indication Form, revoking all previous powers of attorney, appointing practitioners associated with Customer No. 21491, and changing the correspondence address to the address associated with Customer No. 21491. Additionally, practitioner George Kobler submitted a petition to revive under 37 CFR 1.137(b) on behalf of Mr. Vera, accompanied by a reply to the outstanding Office action.

Mr. Vera states that he is the sole inventor of the subject matter of this application. He asserts that never assigned the application to any party, nor was he under any obligation to do so. Mr. Vera avers that he retains the right to prosecute the application.

[1] Before reviewing the petition under 37 CFR 1.137(b), the Office must first determine whether the formerly non-signing inventor is permitted to file a petition to revive the application without the consent of the 1.47(b) applicant.

The Office notes:

> While the U.S. Patent and Trademark Office will grant the nonsigning inventor access to the application, inter partes proceedings will not be instituted in 37 CFR 1.47 case. In re Hough, 108 USPQ 89 (Comm'r Pat. 1955). A nonsigning inventor is not entitled to a hearing (Cogar v. Schuyler, 464 F.2d 747, 173 USPQ 389 (D.C. Cir. 1972)), and is not entitled to prosecute the application if status under 37 CFR 1.47 has been accorded, or if proprietary interest of the 37 CFR 1.47(b) applicant has been shown to the satisfaction of the U.S. Patent and Trademark Office.
>
> A nonsigning inventor may join in a 37 CFR 1.47 application. To join in the application, the nonsigning inventor must file an appropriate 37 CFR 1.63 oath or declaration. Even if the nonsigning inventor joins in the application, he or she cannot revoke or give a power of attorney without agreement of the 37 CFR 1.47 applicant. See MPEP § 402.10. The rights of a nonsigning inventor are protected by the fact that the patent resulting from an application filed under 37 CFR 1.47(b) and 35 U.S.C. 118 must issue to the inventor, and in an application filed under 37 CFR 1.47(a) and 35 U.S.C. 116, the inventor has the same rights that he or she would have if he or she had joined in the application. In re Hough, 108 USPQ 89 (Comm'r Pat. 1955).

MPEP 409.03(i).

Once the Office finds that an application deposited pursuant to 37 CFR 1.47 is acceptable, any papers filed by an inventor who did not originally join in the application, and papers relating to its 37 CFR 1.47 status, will be placed in the application file. MPEP 409.03(j). Additionally, an executed declaration submitted by a formerly non-signing inventor will also be placed in the application file. Id.

In view thereof, the Power of Attorney and Correspondence Indication Form will not be entered without agreement of ETC, the 37 CFR 1.47(b) applicant. Furthermore, Mr. Vera is not entitled to prosecute the application because ETC showed to the satisfaction of the Office that it has sufficient proprietary interest in the subject matter in accordance with 37 CFR 1.47(b) and MPEP 409.03(b). Thus, the Office cannot address the petition to revive on the merits. The application remains abandoned. The petition is dismissed. The Office will refund the $770.00 petition fee by Treasury Check in due course.

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

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Cc: DAVIS CHIN
10281 WEST LINCOLN HIGHWAY
FRANKFORT IL 60423

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HUNTSVILLE, AL 35804-2087

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NOV 19 2008

OFFICE OF PETITIONS

In re Application of :
RODRIGO B.VERA : ON PETITION
Application No. 11/024,605 :
Filed: 12/30/2004 :
Attorney Docket No. 04B-2118 :

This is in response to the petition under 37 CFR 1.137(b), filed June 10, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

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

(1) The reply required to the outstanding Office action or notice, unless previously filed.

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

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

(4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant to 37 CFR 1.137(d).

The present petition does not satisfy requirement (3) above.

The above-identified application became abandoned for failure to file a timely response to the non-final Office Action, mailed March 17, 2006, which set a three-month shortened statutory period for reply. No extensions of that time period were obtained pursuant to 37 CFR 1.136(a). Accordingly, the

above-identified application became abandoned on June 18, 2006. A Notice of Abandonment was mailed on December 27, 2006.

Initially, the Office notes that a brief review of the procedural history is necessary. On November 3, 2005, Environmental Control Technologies, Inc. (ECT), through its attorney, David Chin, filed a renewed petition under 37 CFR 1.47(b), which was granted by the decision of November 21, 2005. The decision stated that the application and papers submitted on petition had been reviewed and were found to be in compliance with 37 CFR 1.47(b). The decision further indicated that the application had been accorded 37 CFR 1.47(b) status and that the Office would forward notice of the application's filing to the sole non-signing inventor, Rodrigo B. Vera, as provided in 37 CFR 1.47(c). On January 23, 2006, Mr. Vera joined in the application by filing an appropriate 37 CFR 1.63 declaration. On October 2, 2007, Mr. Vera submitted a Power of Attorney and Correspondence Indication Form, revoking all previous powers of attorney, appointing practitioners associated with Customer No. 21491, and changing the correspondence address to the address associated with Customer No. 21491. Additionally, practitioner George Kobler submitted a petition to revive under 37 CFR 1.137(b) on behalf of Mr. Vera, accompanied by a reply to the outstanding Office action. Mr. Vera stated that he was the sole inventor of the subject matter of this application. Mr. Vera asserted that he never assigned the application to any party, nor was he under any obligation to do so. Lastly, Mr. Vera averred that he retained the right to prosecute the application.

On June 10, 2008, a petition to revive under 37 CFR 1.137(b), signed by practitioner George Kobler on behalf of Plasma Waste Recycling, Inc. (Plasma), was filed. Mr. Kobler stated that Plasma "obtained assignment of the rights in the subject application from assignees of the original applicant on May 22, 2008, and properly recorded such assignment with the Assignment Division of the United States Patent Office at Reel/Frame #021002/0177, who obtained assignment from the original applicant, recorded at Reel/Frame #021002/0012." *Petition dated 06/10/08, p. 2.* Petitioner submitted a Power of Attorney and Correspondence Address Indication Form, signed by Carlos L. Bowden, Chief Financial Officer, requesting the appointment of the practitioners associated with Customer Number 21491, as well the change of the correspondence address to the address associated with that Customer Number. Additionally, petitioner submitted a Statement Under 37 CFR 3.73(b), in which Plasma stated that it is the assignee of the entire right, title and interest in the patent application by virtue of a chain of time from Environmental Control Technologies, Inc. to John Herzog and James Kuipers recorded at Reel/Frame 021002/0012 and from John Herzog and James Kuipers to Plasma Waste Recycling at Reel/Frame 021002/0177.

After reviewing the Statement of 37 CFR 3.73(b), it does not appear that Plasma is the assignee of the entire right, title and interest in the patent application because the chain of title does not include an assignment from inventor Vera. Nevertheless, the Power of Attorney and Correspondence Indication Form signed by Mr. Vera will be entered in light of the agreement of Plasma, who has taken the place of the original 1.47(b) applicant ECT. See MPEP 402.10 and 409.03(i).

In determining whether the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, one must look at all of the parties responsible for prosecuting the application during this period. ECT's delay is relevant in deciding the present petition as it was prosecuting the application at the time the reply was due. Thus, petitioners must submit a

statement from ECT indicating that the entire delay in filing the required reply from the due date for the reply until the transfer of any rights in the patent application to Plasma was unintentional.

In view of the above, the petition is dismissed. Any request for reconsideration of this decision should be submitted within TWO (2) MONTHS from the mail date of this decision and be entitled "Renewed Petition under 37 CFR 1.137(b)." Extensions of this time period are available under 37 CFR 1.136(a). No additional fee is required for filing a renewed petition.

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

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

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

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

Correspondence may also be submitted via the electronic filing system of the USPTO.

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

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Conferee: Anthony Knight, Supervisor

UNITED STATES PATENT AND TRADEMARK OFFICE

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C. Irvin Mcclelland
Oblon, Spivak, Mcclelland, Maier & Neustadt, P.C.
Alexandria, VA 22314

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OCT 0 3 2006

OFFICE OF PETITIONS

In re Application of :
Hyun-Byung Jung :
Application No. 11/024,609 :
Filed: December 30, 2004 :
Attorney Docket No. 262452US8 :

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 8, 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 first copied address below until the assignee properly intervenes with a 3.73(b) submission.

A Notice of Allowance has been mailed on August 8, 2006 that requires an issue and a publication fee payment.

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

Amelia Au
Petitions Examiner
Office of Petitions

cc: **Hyun-Byung Jung**
106-901, Byeoksan Apt. 573
Jeki 2-dong, Dongdaemum-ku
Seoul, 130-062
Korea

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
11/024,609	12/30/2004	Byung-Hyun Jung	262452US

CONFIRMATION NO. 4502

OC000000020675151

OC000000020675151

22850
C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 10/03/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/08/2006.

- 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.

J. Williams

TERRI S WILLIAMS
OP (571) 272-2991

FORMER ATTORNEY/AGENT COPY

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OFFICE OF PETITIONS

C. Irvin Mcclelland
Oblon, Spivak, Mcclelland, Maier & Neustadt, P.C.
Alexandria, VA 22314

In re Application of :

Jae-Won Han :

Application No. 11/024,610 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. 262622US8 : 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.

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 first copied address below until the assignee properly intervenes with a 3.73(b) submission.

A Notice of Allowance has been mailed on July 27, 2006 that requires an issue and a publication fee payment.
Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Amelia Au
Petitions Examiner
Office of Petitions

cc: **Jae-Won Han**
934-1701, Mirinae Maeul, Jung-dong
Wonmi-ku, Bucheon-city
Kyngki-do, 420-710
Korea

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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FRANK ROSENBERG
P.O. BOX 29230
SAN FRANCISCO CA 94129-0230

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OFFICE OF PETITIONS

In re Application of :
Frank Rosenberg :
Application No. 11/024,620 : DECISION ON PETITION
Filed: December 28, 2004 :
Attorney Docket No. FR-1C2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 9, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, May 4, 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 August 5, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $750.00; and (3) an adequate statement of unintentional delay.

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

This application is being referred to Technology Center AU 3673 for appropriate action by the Examiner in the normal course of business on the reply received January 9, 2007.

David Bucci
Petitions Examiner
Office of Petitions

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P.O. BOX 19928
ALEXANDRIA VA 22320

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OFFICE OF PETITIONS

In re Application of :
Sasaki et al. :
Application No. 11/024,624 : DECISION ON PETITION
Filed: December 30, 2004 : TO MAKE SPECIAL UNDER
Attorney Docket No. 121065.01 : 37 CFR 1.102(d)
:

This is a decision on the petition under 37 CFR 1.102(d), filed August 15, 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 **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(d) and MPEP § 708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and the filing of a petition accompanied by a statement by the applicant, assignee, or an 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.

Applicant has satisfied the provisions set forth in M.P.E.P. § 708.02, Section II and therefore the petition to make special is granted.

Telephone inquiries concerning this decision should be directed to Ramesh Krishnamurthy at 571-272-4914, or to the undersigned at 571-272-7099.

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

The application is being forwarded to the Technology Center Art Unit 2161 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

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

In re Application of :

Jin Hyo Jung :

Application No. 11/024,628 :
Filed: December 30, 2004 :
Attorney Docket No. 262862US8 :

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 7, 2006.

The request is **APPROVED**.

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

The request was signed by 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.

The issue fee payment has been received and verified on September 19, 2006. No further action is needed from the applicant at this time.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Mr. Jin Hyo Jun**
222-1 Dodang-dong, Wonmi-gu
Bucheon
Kyunggido
Republic of Korea

cc: **KBK & Associates**
15th Floor, YoSam Building, 648-23
Yeoksam-dong
Kangnam-ku
Seoul 135-748
Republic of Korea

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
11/024,628	12/30/2004	Jin Hyo Jung	262862US8

CONFIRMATION NO. 1566

OC000000021279024

OC000000021279024

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 08/07/2006.

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

TERRI S WILLIAMS
OP (571) 272-2991

NEW ATTORNEY/AGENT COPY

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OFFICE OF PETITIONS

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1940 Duke Street
Alexandria, VA 22314

In re Application of :

Jung Gyu Kim :
Application No. 11/024,629 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. 262628US8 : 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 no outstanding Office action at this time.

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

J. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Jung Gyu Kim**
Seolakmaeul 304-1107
Jung 3-dong, Wonmi-ku
Kyungki-do, 420-727
Korea

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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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/024,629	12/30/2004	Jung Gyu Kim	262628US8

CONFIRMATION NO. 1564

22850
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

OC0000000023421690
OC0000000023421690

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
FORMER ATTORNEY/AGENT COPY

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OFFICE OF PETITIONS

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

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CANCELLED
DEC 08 2006
OFFICE OF PETITIONS

In re Application of :
Joon-Yeon Cho :
Application No. 11/024,631 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. 262543US8 : 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 **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 that was mailed on October 5, 2006 that requires a response from the applicant.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: Mr. Joon-Yeon Cho
474-1 Sangwoo-ri Gamgok-myeon,
Chungcheongbuk-do, 369-852
Korea

cc: Horizon Law Group
The Korea Chamber of Commerce & Industry Bldg.
11th Floor 45 4- Ga,
Namdaemun-ro, Jung-gu
Seoul 100-743 Republic of 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
11/024,631	12/30/2004	Joon-Yeon Cho	262543US8

CONFIRMATION NO. 1559

OC000000021506909

OC000000021506909

22850
C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 12/07/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/30/2006.

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

APRIL M WISE
OP (571) 272-1642

FORMER ATTORNEY/AGENT COPY

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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C. Irvin McClelland
Oblon, Spivak, McClelland, Maier & Neustadt, P.C.
1940 Duke Street
Alexandria, VA 22314

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JUL 19 2007

OFFICE OF PETITIONS

In re Application of	:	
Kwan Joo Koh	:	
Application No. 11/024,632	:	DECISION ON PETITION
Filed: December 30, 2004	:	TO WITHDRAW
Attorney Docket No. 262854US8	:	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** as moot.

A review of the file record indicates that the power of attorney to Oblon, Spivak, McClelland, Maier & Neustadt has been revoked by the applicant of the patent application on October 30, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Mayer, Brown, Rowe & Maw LLP**
1909 K Street, N.W.
Washington D.C. 20006

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MATTINGLY STANGER MALUR & BRUNDIDGE, PC
1800 DIAGONAL ROAD, SUITE 370
ALEXANDRIA, VA 22314

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MAY 31 2006
OFFICE OF PETITIONS

In re Application of	:	
Hitoshi Miwa et al	:	
Application No. 11/024,643	:	DECISION GRANTING PETITION
Filed: December 30, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 501.35478CX25	:	

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 7, 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 2827 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\may9\024643.wpd

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

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NOV 27 2006

OFFICE OF PETITIONS

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

In re Application of :

Chee Hong Choi :

Application No. 11/024,652 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. 262545US8 : 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 an outstanding Office action mailed August 18, 2006 that requires a reply from the applicant.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Mr. Chee Hong Choi**
831-1, Dadae 1-dong
Saha-ku, Busan-city, 604-825
Republic of Korea

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
11/024,652	12/30/2004	Chee Hong Choi	262545US8

CONFIRMATION NO. 7381

OC000000021354508

OC000000021354508

22850
C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 11/24/2006

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.

Terri S. Williams

TERRI S WILLIAMS
OP (571) 272-2991

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

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SEP 29 2006

OFFICE OF PETITIONS

In re Application of :

Ki Min Lee :

Application No. 11/024,653 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. 261430US8 : 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 23, 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 because the assignee did not properly intervene with a 3.73(b) statement. 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 May 2, 2006 that requires a reply from the applicant.

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

for David Bucci
Petitions Examiner
Office of Petitions

cc: **Ki Min Lee**
101-111, Daewon Apt., Gagyeong-dong
Heungdeok-gu, Cheongju-si
Chungcheongbuk-do, 361-739
Republic of Korea

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
11/024,653	12/30/2004	Ki Min Lee	261430US8

CONFIRMATION NO. 7382

OC000000020635366

OC000000020635366

22850
C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 09/28/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/23/2006.

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

Terri S. Williams

TERRI S WILLIAMS
OP (571) 272-2991

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

In re Application of	:	
CHUN	:	
Application No. 11/024,657	:	DECISION ON PETITION
Filed: December 30, 2004	:	TO WITHDRAW
Attorney Docket No. 127427-06136430	:	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 **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. has been revoked by the assignee of the patent application on November 02, 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 first copied address below until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Patricia Volpe at 571-272- 6825.

Patricia Volpe
Petitions Examiner
Office of Petitions

cc: **MAYER, BROWN, ROWE & MAW LLP**
1909 K STREET, N.W.
WASHINGTON, DC 20006

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
11/024,657	12/30/2004	In-Kyu Chun	26246US8

CONFIRMATION NO. 7401

OC000000021247196

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 11/02/2006.

- 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).

PATRICIA A VOLPE
OP (571) 272-6825

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United States Patent and Trademark Office
P.O. Box 1450
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C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

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OCT 20 2006

OFFICE OF PETITIONS

In re Application of
Lee
Application No. 11/024,658
Filed: December 30, 2004
Attorney Docket No. 262861US8

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 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 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).

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: JUN SEOK LEE
802-906 LOTTE APT. GANGSUN MEUL
63 JUYEOP-DONG, ILSAN-GU, ILSAN-GU
GOYANG, KYUNGGIDO
KOREA

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-D0 420-807 Korea

cc: KBK & ASSOCIATES
15TH Floor, YoSam Building, 648-23
Yeoksam-dong
Seoul 135-748
Republic of Korea

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/024,658	12/30/2004	Jun Seok Lee	262861US8

CONFIRMATION NO. 7379

OC000000020836659

OC000000020836659

22850
C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 10/16/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/15/2006.

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

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OCT 10 2006

OFFICE OF PETITIONS

In re Application of :
Kwan Joo Koh :
Application No. 11/024,659 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. 262830US8 : 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 7, 2006.

The request is **APPROVED**.

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

The request was signed by 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 an outstanding Office action mailed August 18, 2006 that requires a reply from the applicant.

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

Amelia Au
Petitions Examiner
Office of Petitions

cc: **Kwan Joo Koh**
407-101 Geumgang Maeul
Jung 4-dong, Wonmi-gu
Bucheon, Kyunggido
Korea

cc: **KBK & Associates**
15th Floor, YoSam Building, 648-23
Yeoksam-dong
Kangnam-ku
Seoul 135-748
Republic of Korea

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

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OCT 20 2006

OFFICE OF PETITIONS

In re Application of :
Ahn :
Application No. 11/024,660 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. 262835US8 : 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.

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 August 2, 2006 that requires a reply from the applicant.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: MR. HEUI GYUN AHN
1009-503, GGUM MAEUL APT JUNG2-DONG
WONMI-GU, BUCHEON, KYUNGGIDO,
KOREA

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-D0 420-807 Korea

cc: KBK & ASSOCIATES
15TH Floor, YoSam Building, 648-23
Yeoksam-dong
Seoul 135-748
Republic of Korea

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/024,660	12/30/2004	Heui Gyun Ahn	262835US-8

CONFIRMATION NO. 7384

OC000000020819469

OC000000020819469

22850
C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 10/13/2006

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.

April M Wise

APRIL M WISE
OP (571) 272-1642

FORMER ATTORNEY/AGENT COPY

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1940 DUKE STREET
ALEXANDRIA VA 22314

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OCT 31 2006

OFFICE OF PETITIONS

In re Application of :
Joon-Bum Shim :
Application No. 11/024,661 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. 262611US8 : 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 2, 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 McMlelland 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 June 20, 2006 that requires a reply from the applicant.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: Mr. Joon-Bum Shim
107-1008, Sinheung Jukong Apt.
Sinheung 2-dong, Sujeong-ku
Seongnam-city,
Kyungki-do,
41-708, Korea

cc: Dongbu Electronics Co., Ltd
Dongu Electronics A1-Dong (FAB-Dong)
5th Floor, Technical Alliance (t/A) Team
Doang-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
11/024,661	12/30/2004	Joon-Bum Shim	262611US8

CONFIRMATION NO. 7376

OC000000021037265

OC000000021037265

22850
C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 10/31/2006

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.

April M Wise

APRIL M WISE
OIPE (571) 272-1642

FORMER ATTORNEY/AGENT COPY

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1940 DUKE STREET
ALEXANDRIA VA 22314

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OCT 20 2006

OFFICE OF PETITIONS

In re Application of	:	
Kim	:	
Application No. 11/024,678	:	DECISION ON PETITION
Filed: December 30, 2004	:	TO WITHDRAW
Attorney Docket No. 262834US8	:	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.

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).

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: MR. DAE KYEUN KIM
106-102 HANSIN IMEJIN APT
WONDAE MAEUL, SINGAL-RI
GIHEUNG-EUP, YONGIN, KYUNGGIDO
KOREA

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-D0 420-807 Korea

cc: KBK & ASSOCIATES
15TH Floor, YoSam Building, 648-23
Yeoksam-dong
Seoul 135-748
Republic of Korea

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/024,678	12/30/2004	Dae Kyeun Kim	262834US8

CONFIRMATION NO. 3986

OC000000020819806

OC000000020819806

22850
C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 10/13/2006

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.

April M Wise

APRIL M WISE
OPI (571) 272-1642

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1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of :
Kim :
Application No. 11/024,678 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. 262834US8 : 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.

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).

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: JAE WON HAN
924-1701 MIRINAE MAEUL, JUNG-DONG,
WONDAE MAEUL, SINGAL-RI
GIHEUNG-EUP, YONGIN, KYUNGGIDO
KOREA

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-D0 420-807 Korea

cc: KBK & ASSOCIATES
15TH Floor, YoSam Building, 648-23
Yeoksam-dong
Seoul 135-748
Republic of Korea

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/024,678	12/30/2004	Dae Kyeun Kim	262834US8

CONFIRMATION NO. 3986

OC000000020819806

OC000000020819806

22850
C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 10/13/2006

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.

APRIL M WISE
OP (571) 272-1642

FORMER ATTORNEY/AGENT COPY

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ALEXANDRIA VA 22314

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OFFICE OF PETITIONS

In re Application of	:	
Jung, Meng An	:	DECISION ON PETITION
Application No. 11/024,699	:	TO WITHDRAW
Filed: December 30, 2004	:	FROM RECORD
Attorney Docket No. 262851US-8	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 10, 2006.

The request is **NOT APPROVED.**

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

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

There is an outstanding Office action mailed September 25, 2006, which requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

Cc:

KBK & ASSOCIATES
15TH FLOOR, YOSAM BUILDING, 648-23
YEOKSAM-DONG
KANGNAM-KU
SEOUL 135-748
REPUBLIC OF KOREA

MENG AUN JUNG
1106 HANMAEUM APT., GAMGOK-MYUN
EUMSUNG-GUN, CHOONGCHEONBUKDO
KOREA

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

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OFFICE OF PETITIONS

In re Application of	:	
Jung, Meng An	:	DECISION ON PETITION
Application No. 11/024,699	:	TO WITHDRAW
Filed: December 30, 2004	:	FROM RECORD
Attorney Docket No. 262851US-8	:	

CORRECTED DECISION

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 10, 2006. The previous decision mailed November 21, 2006 is hereby VACATED.

The request is **APPROVED**.

The request was signed by C. Irvin McClelland on behalf of all attorneys of record who are associated with Customer Number 22850.

All attorneys/agents associated with 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 inventor; or (2) of an assignee of the entire interest that has taken action in the instant application. All future communications from the Office will continue to be directed to the first named inventor at the below-listed address until otherwise properly notified by the applicant.

There is an outstanding Office action mailed September 25, 2006, which requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

Cc:

MENG AUN JUNG
1106 HANMAEUM APT., GAMGOK-MYUN
EUMSUNG-GUN, CHOONGCHEONBUKDO
KOREA

KBK & ASSOCIATES
15TH FLOOR, YOSAM BUILDING, 648-23
YEOKSAM-DONG
KANGNAM-KU
SEOUL 135-748
REPUBLIC OF KOREA

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ALEXANDRIA VA 22314

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OCT 31 2006

OFFICE OF PETITIONS

In re Application of :
Jin Hyo Jung :
Application No. 11/024,700 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. 262933US8 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed August 8, 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 McMlelland 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 June 19, 2006 that requires a reply from the applicant.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: Mr. Jin Hyo Jung
221-1 Dodang-dong Wonmi-gu
Bucheon-si
Gyeonggi-go 420-807
Korea

cc: Dongbu Electronics Co., Ltd
Dongu Electronics A1-Dong (FAB-Dong)
5th Floor, Technical Alliance (t/A) Team
Doang-Dong 222-1, Wonmi-ku. Bucheon-Si
Kyunggi-Do, 420-807 Korea

cc: SEO International Law and Patent Office
8th Floor KAIS System Bldg
1657-5 Seocho 1-dong, Seocho-gu
Seoul 137-881
Republic of Korea

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/024,700	12/30/2004	Jin Hyo Jung	262933US8

CONFIRMATION NO. 6419

OC000000021037112

OC000000021037112

22850
C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 10/31/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/08/2006.

- 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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1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

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OFFICE OF PETITIONS

In re Application of :
Jin Hyo Jung :
Application No. 11/024,700 : ON PETITION
Filed: December 30, 2004 :
Attorney Docket No. 123047-06134271 :

This is a decision on the petition filed July 23, 2007, under 37 CFR 1.181, to withdraw the holding of abandonment.

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

This application became abandoned May 1, 2007 for failure to timely pay the issue fee in response to the Notice of Allowance mailed January 30, 2007. Accordingly, a Notice of Abandonment was mailed May 25, 2007.

Petitioner argues that the Notices mailed January 30, 2007 were mailed to the inventor even though a power of attorney was filed December 15, 2006. Petitioners provide a copy of the power of attorney previously filed as well as a receipt date stamped by the USPTO on December 15, 2006 for hand delivered items, as proof of filing the Power of Attorney prior to the date the Notices were mailed on January 30, 2007 and prior to the abandonment.

A review of the file confirms that a power of attorney, statement under 37 CFR 3.73(b) and address change were indeed filed on December 15, 2007 but that the USPTO records were not updated. The Notice of Allowance and Notice of Allowability were mailed to the wrong address and as petitioners claim, not received. In view of the above, no petition fees are due and none have been charged.

The Notice of Abandonment is withdrawn and this matter is being referred back to Technology Center 2818 for a re-mailing of the Notices mailed January 30, 2007.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

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OCT 20 2006

OFFICE OF PETITIONS

In re Application of	:	
Jung	:	
Application No. 11/024,701	:	DECISION ON PETITION
Filed: December 30, 2004	:	TO WITHDRAW
Attorney Docket No. 262845US8	:	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.

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 June 27, 2006 that requires a reply from the applicant.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: MENG AN JUNG
1106 HAMMAEUM APT, GAMGOK-MYUM
EUMSUNG-GUN, CHOONGCHEONGBUKDO
KOREA

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-D0 420-807 Korea

cc: KBK & ASSOCIATES
15TH Floor, YoSam Building, 648-23
Yeoksam-dong
Seoul 135-748
Republic of Korea

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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/024,701	12/30/2004	Meng An Jung	262845US8

CONFIRMATION NO. 6429

OC000000020818021

OC000000020818021

22850
C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 10/13/2006

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.

April M Wise

APRIL M WISE
OP (571) 272-1642

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

In re Application of
Jung
Application No. 11/024,701
Filed: December 30, 2004
Attorney Docket No. 262845US8

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 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.

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 June 27, 2006 that requires a reply from the applicant.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: MENG AN JUNG
1106 HAMMAEUM APT, GAMGOK-MYUM
EUMSUNG-GUN, CHOONGCHEONGBUKDO
KOREA

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-D0 420-807 Korea

cc: KBK & ASSOCIATES
15TH Floor, YoSam Building, 648-23
Yeoksam-dong
Seoul 135-748
Republic of Korea

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OFFICE OF PETITIONS

MARGER JOHNSON & MCCOLLOM, P.C.
210 SW MORRISON STREET, SUITE 400
PORTLAND, OR 97204

In re Application of :
Gundula Roth et al :
Application No. 11/024,702 : ON PETITION
Filed: December 30, 2004 :
Attorney Docket No. 3576-037

This is a decision on the petition, filed April 23, 2008 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 27, 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 2815 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

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ALEXANDRIA, VA 22313-1450
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MARGER JOHNSON & MCCOLLOM, P.C.
210 SW MORRISON STREET, SUITE 400
PORTLAND, OR 97204

COPY MAILED

JUL 0 1 2008

OFFICE OF PETITIONS

In re Application of :
Gundula Roth, et al. :
Application No.: 11/024,702 : ON PETITION
Filed: December 30, 2004 :
Attorney Docket No.: 3576-037 :

This is a decision on the petition, filed June 30, 2008, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 27, 2008, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The application is being referred to Technology Center AU 2815 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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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 :
Dae Kyeun Kim et al. :
Application No. 11/024,704 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. 262842US8 : 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 7, 2006.

The request is **APPROVED**.

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

The request was signed by 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. The assignee did not properly intervened by submitting a 3.73(b) statement. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed June 20, 2006 that requires a reply from the applicant.

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

David Bucci
Petitions Examiner
Office of Petitions

cc: **Dae Kyeun Kim**
106-102N Hansin imejin Apt.
Wondae maeul, Singal-ri
Giheung-eup, Yongin
Kyunggido
Korea

cc: **KBK & Associates**
15th Floor, YoSam Building, 648-23
Yeoksam-dong
Kangnam-ku
Seoul 135-748
Korea

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
11/024,704	12/30/2004	Kim Dae Kyeun	262842US8

CONFIRMATION NO. 6432

OC000000020697836

OC000000020697836

22850
C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 10/04/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/07/2006.

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

Terri S. Williams

TERRI S WILLIAMS
OP (571) 272-2991

FORMER ATTORNEY/AGENT COPY

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

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OFFICE OF PETITIONS

In re Application of	:	
LEE	:	
Application No. 11/024,706	:	DECISION ON PETITION
Filed: December 30, 2004	:	TO WITHDRAW
Attorney Docket No. 261432US8	:	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 23, 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 October 13, 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 October 13, 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. Il Ho Lee
101-1404, Hyundai Apt.,
Songpa-dong, Songpa-gu
Seoul 138-170,
Republic of Korea

cc: HORIZON LAW GROUP
The Korea Chamber of Commerce & Industry Bldg.,
11th Floor
45 4-Ga, Namdaemun-ro, Jung-gu
Seoul 100-743
Republic of 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
11/024,706	12/30/2004	Il Ho Lee	261432US8

CONFIRMATION NO. 6443

OC000000021227419

22850
C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 11/15/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/23/2006.

- 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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TECHNOLOGY CENTER 2600

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

In re Application of
Motoaki NISHIMURA
Application No. 11/024713
Filed: December 30, 2004
Attorney Docket No. 122100

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed March 23, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

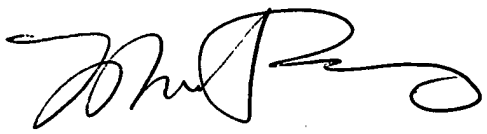
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to John Peng at 571-272-7272.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.



John Peng
TC 2600
Quality Assurance Specialist

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Alexandria, VA 22313-1450
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C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

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NOV 16 2006

OFFICE OF PETITIONS

In re Application of :
Il Ho Lee :
Application No. 11/024,721 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. 261435US8 : 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 23, 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).

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: Mr. Il Ho Lee
101-1404, Hyundai Apt., Songpa-dong
Songpa-gu, Soul 138-170,,
Republic of Korea

cc: Horizon Law Group
The Korea Chamber of Commerce & Industry Bldg.
11th Floor 45 4- Ga,
Namdaemun-ro, Jung-gu
Seoul 100-743 Republic of 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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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

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OCT 20 2006

OFFICE OF PETITIONS

In re Application of	:	
Lee	:	
Application No. 11/024,725	:	DECISION ON PETITION
Filed: December 30, 2004	:	TO WITHDRAW
Attorney Docket No. 262841US8	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 15, 2006.

The request is **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).

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: BYEONG RYEOL LEE
279-415 SANGDO 3-DONG,
DONGJAK-GU, SEOUL,
KOREA

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-D0 420-807 Korea

cc: KBK & ASSOCIATES
15TH Floor, YoSam Building, 648-23
Yeoksam-dong
Seoul 135-748
Republic of Korea

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/024,725	12/30/2004	Byeong Ryeol Lee	262841US8

CONFIRMATION NO. 8830

OC000000020833242

OC000000020833242

22850
C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 10/13/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/15/2006.

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

APRIL M WISE
OP (571) 272-1642

FORMER ATTORNEY/AGENT COPY

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

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NOV 2 1 2006

OFFICE OF PETITIONS

In re Application of :
Yeoun, Jo Bo :
Application No. 11/024,727 :
Filed: December 30, 2004 :
Attorney Docket No. 262846US-8 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 10, 2006.

The request is **NOT APPROVED**.

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

Cc:

KBK & ASSOCIATES
15TH FLOOR, YOSAM BUILDING, 648-23
YEOKSAM-DONG
KANGNAM-KU
SEOUL 135-748
REPUBLIC OF KOREA

BO YEOUN JO
412, 193-1 NOTAP-RI, JANGHOWON-EUP
ICHEON, KYUNGGIDO
KOREA

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OFFICE OF PETITIONS

In re Application of	:	
Yeoun, Jo Bo	:	DECISION ON PETITION
Application No. 11/024,727	:	TO WITHDRAW
Filed: December 30, 2004	:	FROM RECORD
Attorney Docket No. 262846US-8	:	

CORRECTED DECISION

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 10, 2006. The previous decision mailed November 21, 2006 is hereby VACATED.

The request is **APPROVED**.

The request was signed by C. Irvin McClelland on behalf of all attorneys of record who are associated with Customer Number 22850.

All attorneys/agents associated with 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 inventor; or (2) of an assignee of the entire interest that has taken action in the instant application. All future communications from the Office will continue to be directed to the first named inventor at the below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

Cc:

BO YEOUN JO
412, 193-1 NOTAP-RI, JANGHOWON-EUP
ICHEON, KYUNGGIDO
KOREA

KBK & ASSOCIATES
15TH FLOOR, YOSAM BUILDING, 648-23
YEOKSAM-DONG
KANGNAM-KU
SEOUL 135-748
REPUBLIC OF KOREA

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

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OCT 1 0 2006
OFFICE OF PETITIONS

In re Application of	:	
Hyung Seok Kim	:	
Application No. 11/024,728	:	DECISION ON PETITION
Filed: December 30, 2004	:	TO WITHDRAW
Attorney Docket No. 262844US8	:	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 9, 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. The assignee did not properly intervened by submitting a 3.73(b) statement. 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 July 24, 2006 that requires a reply from the applicant.

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

for David Bucci
Petitions Examiner
Office of Petitions

cc: **Hyung Seok Kim**
301-1106 Jinju Apt.
Gajwa-dong
Seo-gu, Incheon
Korea

cc: **KBK & Associates**
15th Floor, YoSam Building, 648-23
Yeoksam-dong
Kangnam-ku
Seoul 135-748
Korea

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
11/024,728	12/30/2004	Kim Hyung Seok	262844US-8

CONFIRMATION NO. 8824

OC000000020698179

OC000000020698179

22850
C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 10/04/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/09/2006.

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

Terri S. Williams

TERRI S WILLIAMS
OP (571) 272-2991

FORMER ATTORNEY/AGENT COPY

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

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OCT 11 2006

OFFICE OF PETITIONS

In re Application of	:	
Kwan Joo Koh	:	
Application No. 11/024,733	:	DECISION ON PETITION
Filed: December 30, 2004	:	TO WITHDRAW
Attorney Docket No. 262869US8	:	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 7, 2006.

The request is **APPROVED**.

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

The request was signed by 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. The assignee did not properly intervened by submitting a 3.73(b) statement. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed June 8, 2006 that requires a reply from the applicant.

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

David Bucci
Petitions Examiner
Office of Petitions

cc: **Kwan Joo Koh**
401-101 Geumgang Maeul
Jung 4-dong
Wonmi-gu, Bucheon
Kyunggido
Korea

cc: **KBK & Associates**
15th Floor, YoSam Building, 648-23
Yeoksam-dong
Kangnam-ku
Seoul 135-748
Korea

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
11/024,733	12/30/2004	Kwan Joo Koh	262869US8

CONFIRMATION NO. 8201

OC000000020699398

OC000000020699398

22850
C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 10/04/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/07/2006.

- 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.

J. S. Williams

TERRI S WILLIAMS
OP (571) 272-2991

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In re Application of
Motoaki NISHIMURA
Application No. 11/024736
Filed: December 30, 2004
Attorney Docket No. 122102

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed March 23, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to John Peng at 571-272-7272.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

John Peng
TC 2600
Quality Assurance Specialist

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1940 Duke Street
Alexandria, VA 22314

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FEB 2 2 2007

OFFICE OF PETITIONS

In re Application of :
Kae Hoon Lee :
Application No. 11/024,740 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. 127427-06134160 : 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 **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to the attorneys and/or agents associated with Customer No. 22850 has been revoked by the assignee of the patent application on November 1, 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 Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Mayer, Brown, Rowe & Maw LLP**
1909 K Street, N.W.
Washington D.C. 20006

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1940 DUKE STREET
ALEXANDRIA VA 22314

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NOV 16 2006

OFFICE OF PETITIONS

In re Application of
Ki Min Lee
Application No. 11/024,741
Filed: December 30, 2004
Attorney Docket No. 261429US8

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 23, 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).

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: Mr. Ki Min Lee
101-111, Daewon Apt., Gagyeong-dong
Heungdeok-gu, Cheongju-si,
Chungcheongbuk-do 361-739
Republic of Korea

cc: Horizon Law Group
The Korea Chamber of Commerce & Industry Bldg.
11th Floor 45 4- Ga,
Namdaemun-ro, Jung-gu
Seoul 100-743 Republic of 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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1940 Duke Street
Alexandria, VA 22314

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FEB 21 2007

OFFICE OF PETITIONS

In re Application of :
Yong Keon Choi :
Application No. 11/024,742 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. 262544US8 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 8, 2006.

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

A review of the file record indicates that the power of attorney given to the attorneys and/or agents associated with Customer Number 22850 has been revoked by the assignee of the patent application on October 26, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Mayer, Brown, Rowe & Maw LLP**
1909 K Street, N.W.
Washington, DC 20006

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

In re Application of :
Il Ho Lee :
Application No. 11/024,743 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. 261433US8 : 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 23, 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.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must

have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

The Notice of Allowance and Fee(s) due notification was mailed September 1, 2006, which requires a reply from the applicant.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Mr. Il Ho Lee**
101-1404, Hyundai Apt., Songpa-dong
Songpa-gu, Seoul 138-170
Korea

cc: **Horizon Law Group**
The Korea Chamber of Commerce & Industry Bldg.
11th Floor
45 40Ga, Namdaemun-ro, Jung-gu
Seoul 100-743
Korea

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
11/024,743	12/30/2004	Il Ho Lee	261433US8

CONFIRMATION NO. 6297

OC000000021371874

OC000000021371874

22850
C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 11/27/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/23/2006.

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

Terri S. Williams

TERRI S WILLIAMS
OP (571) 272-2991

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1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

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OFFICE OF PETITIONS

In re Patent No. 7,193,686	:	
Issue Date: March 20, 2007	:	
Application No. 11/024,743	:	DECISION ON PETITION
Filed: December 30, 2004	:	
Attorney Docket No. 261433US8	:	

This is a decision on the petition under 37 CFR 1.182, filed September 12, 2007, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Office of Data Management is directed to issue a duplicate Letters Patent.

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

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Niomi Farmer in the Office of Data Management at (703) 308-9250, Ext. 119.

A copy of this decision is being faxed to the Office of Data Management for issuance of a duplicate Letters Patent.

Karen Creasy
Petitions Examiner
Office of Petitions

cc: Niomi Farmer, South Tower, 8th Floor, Room C23 (Fax No. (571) 270-9753)

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1940 Duke Street
Alexandria, VA 22314

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OCT 10 2006

OFFICE OF PETITIONS

In re Application of :
Jin Hyo Jung :
Application No. 11/024,745 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. 262868US8 : 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 7, 2006.

The request is **APPROVED**.

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

The request was signed by 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. The assignee did not properly intervened by submitting a 3.73(b) statement. 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 July 21, 2006 that requires a reply from the applicant.

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

David Bucci
Petitions Examiner
Office of Petitions

cc: **Jin Hyo Jung**
222-1 Dodang-dong, Wonmi-gu
Bucheon, Kyunggido
Korea

cc: **KBK & Associates**
15th Floor, YoSam Building, 648-23
Yeoksam-dong
Kangnam-ku
Seoul 135-748
Korea

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
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OFFICE OF PETITIONS

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

In re Application of	:	
JUNG	:	
Application No. 11/024,746	:	DECISION ON PETITION
Filed: December 30, 2004	:	TO WITHDRAW
Attorney Docket No. 262930US8	:	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** as moot.

A review of the file record indicates that the power of attorney to OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. has been revoked by the assignee of the patent application on November 16, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6825.

Patricia Volpe
Petitions Examiner
Office of Petitions

cc: MAYER, BROWN, ROWE & MAW LLP
1909 K STREET, N.W.
WASHINGTON, DC 20006

cc: Jin Hyo Jung
221-1 Dodang-dong Wonmi-gu
Bucheon-si
Gyeonggi-do 420-807
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
11/024,746	12/30/2004	Jin Hyo Jung	262930US8

CONFIRMATION NO. 6275

OC000000021467014

22850
C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 12/04/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/16/2006.

- 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).

PATRICIA A VOLPE
OP (571) 272-6825

FORMER ATTORNEY/AGENT COPY

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Mayer, Brown, Rowe & Maw LLP
1909 K Street, N.W.
Washington, D.C. 20006

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MAY 14 2007

OFFICE OF PETITIONS

In re Application of :
Young Keon Choi :
Application No. 11/024,748 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. 262542US8 : 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** as moot.

A review of the file record indicates that the power of attorney to Mayer, Brown, Rowe & Maw LLP has been revoked by the assignee of the patent application on February 28, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Lowe Hauptman Berner, LLP**
1700 Diagonal Road
Suite 300
Alexandria, VA 22314

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

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OCT 10 2006

OFFICE OF PETITIONS

In re Application of :
Jun Seok Lee :
Application No. 11/024,755 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. 263120US8 : 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 7, 2006.

The request is **APPROVED**.

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

The request was signed by 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. The assignee did not properly intervened by submitting a 3.73(b) statement. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed June 2, 2006 that requires a reply from the applicant.

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

David Bucci
Petitions Examiner
Office of Petitions

cc: **Jun Seok Lee**
802-906 Lotte Apt.
Gangsun maeul
63 Juyeop-dong, Ilsan-gu,
Ilsan-gu, Goyang
Kyunggido, Korea

cc: **KBK & Associates**
15th Floor, YoSam Building, 648-23
Yeoksam-dong
Kangnam-ku
Seoul 135-748
Korea

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

COPY MAILED

NOV 21 2006

OFFICE OF PETITIONS

In re Application of :
Koh, Kwan Joo :
Application No. 11/024,757 :
Filed: December 30, 2004 :
Attorney Docket No. 262840US-8 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 10, 2006.

The request is **NOT APPROVED**.

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

Cc:

KBK & ASSOCIATES
15TH FLOOR, YOSAM BUILDING, 648-23
YEOKSAM-DONG
KANGNAM-KU
SEOUL 135-748
REPUBLIC OF KOREA

KWEN JOO KOH
407-101 GEUMGANG MAEUL, JUNG 4-DONG
WONMI-GU, BUCHEON, KYUNGGIDO
KOREA

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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	:	
Koh, Kwan Joo	:	DECISION ON PETITION
Application No. 11/024,757	:	TO WITHDRAW
Filed: December 30, 2004	:	FROM RECORD
Attorney Docket No. 262840US-8	:	

CORRECTED DECISION

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 10, 2006. The previous decision mailed November 21, 2006 is hereby VACATED.

The request is **APPROVED**.

The request was signed by C. Irvin McClelland on behalf of all attorneys of record who are associated with Customer Number 22850.

All attorneys/agents associated with 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 inventor; or (2) of an assignee of the entire interest that has taken action in the instant application. All future communications from the Office will continue to be directed to the first named inventor at the below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

Cc:

KWEN JOO KOH
407-101 GEUMGANG MAEUL, JUNG 4-DONG
WONMI-GU, BUCHEON, KYUNGGIDO
KOREA

KBK & ASSOCIATES
15TH FLOOR, YOSAM BUILDING, 648-23
YEOKSAM-DONG
KANGNAM-KU
SEOUL 135-748
REPUBLIC OF KOREA

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WELSH & FLAXMAN LLC
2000 DUKE STREET, SUITE 100
ALEXANDRIA VA 22314

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MAY 28 2009

OFFICE OF PETITIONS

In re Application of :
Benjamin J. Kwitek :
Application No. 11/024,766 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. KWI-006 : 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 14, 2009.

The request is **APPROVED**.

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

The request was signed by John L. Welsh on behalf of all attorneys of record who are associated with customer No. 21884. All attorneys/agents associated with the Customer Number 21884 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 pending Office actions at the present time.

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

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

cc: BENJAMIN J. KWITEK
1061 VALLEY VIEW DRIVE
CANON CITY, CO 81212

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
11/024,766	12/30/2004	Benjamin J. Kwitek	KWI-006

CONFIRMATION NO. 4123

POWER OF ATTORNEY NOTICE

21884
WELSH & FLAXMAN LLC
2000 DUKE STREET, SUITE 100
ALEXANDRIA, VA 22314

Date Mailed: 05/19/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/14/2009.

- 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.

/amwise/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Date : 11/01/07

Patent No. : 7252428 B2
Ser. No. : 11/024,767
Inventor(s) : LEE, SANG GON
Issued : 08/07/07
Title : **PRISM SHEET OF LIQUID CRYSTAL DISPLAY DEVICE AND BACKLIGHT UNIT USING THE SAME**
Docket No. : 28132.005.00

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
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 #112 or (703) 308-8309

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

LMN

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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

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JUN 23 2008

OFFICE OF PETITIONS

In re Patent No. 7,252,428 :
Issue Date: August 7, 2007 :
Application No. 11/024,767 : ON PETITION
Filed: December 30, 2004 :
Attorney Docket No. 28132.005.00 :

This is a decision on the petition filed November 15, 2007, which is being treated as a request under 37 CFR 3.81(b)[1] to add the name of an assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

The certificate of correction fee of $100 under 37 CFR 1.20(a) has been charged to petitioner's deposit account.

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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APR 06 2010

OFFICE OF PETITIONS

HARRITY & HARRITY, LLP
11350 RANDOM HILLS ROAD
SUITE 600
FAIRFAX VA 22030

In re Application of :
EGNOR, DANIEL :
Application No. 11/024,785 : ON APPLICATION FOR
Filed: December 30, 2004 : PATENT TERM ADJUSTMENT
Attorney Docket No. 0026-0131 :

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT filed November 30, 2009. Applicants submit that the correct patent term adjustment to be indicated on the patent is at least 964 days (plus the days until the patent issues), not 705 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants seek 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 three years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR

1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss such a request as premature.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee.[1]

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).

---

[1] For example, if applicants dispute both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed, and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicants must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within two months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

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

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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

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OCT 20 2006

OFFICE OF PETITIONS

In re Application of :
Lee :
Application No. 11/024,793 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. 262866US8 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 15, 2006.

The request is **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).

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: JUN SEOK LEE
802-906 LOTTE APT. GANGSUN MEUL
63 JUYEOP-DONG, ILSAN-GU, ILSAN-GU
GOYANG, KYUNGGIDO
KOREA

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-D0 420-807 Korea

cc: KBK & ASSOCIATES
15TH Floor, YoSam Building, 648-23
Yeoksam-dong
Seoul 135-748
Republic of Korea

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/024,793	12/30/2004	Jun Seok Lee	262866US8

CONFIRMATION NO. 6359

OC000000020835010

OC000000020835010

22850
C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 10/13/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/15/2006.

- 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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C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

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OCT 20 2006

OFFICE OF PETITIONS

In re Application of :
Han :
Application No. 11/024,795 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. 262865US8 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 15, 2006.

The request is **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).

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: JAE WON HAN
924-1701 MIRINAE MAEUL, JUNG-DONG,
WONMI-GU, BUCHEON, KYUNGGIDA,
KOREA

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-D0 420-807 Korea

cc: KBK & ASSOCIATES
15TH Floor, YoSam Building, 648-23
Yeoksam-dong
Seoul 135-748
Republic of Korea

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/024,795	12/30/2004	Jae Won Han	262865US8

CONFIRMATION NO. 6379

OC000000020832974

OC000000020832974

22850
C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 10/13/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/15/2006.

- 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

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LOWE HAUPTMAN HAM & BERNER, LLP
1700 Diagonal Road
Suite 300
Alexandria, VA 22314

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AUG 0 8 2008

In re Application of :
Jae Won Han :
Application No. 11/024,795 : POST ISSUE
Filed: December 30, 2004 COMMUNICATION
Patent No. 7,312,147 :
Attorney Docket No. 123016-06136195 :

This is to notify applicant that the petition to revive under 37 CFR 1.137(b), filed on July 5, 2007, has been **GRANTED** in application serial No. 11/024,795, which issued as U.S. Patent No. 7,312,147 on December 25, 2007.

The July 5, 2007 petition was accompanied by the required fee pursuant to 37 CFR 1.17(m) and the required reply to the December 6, 2006 Office action. Petitioner stated that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, pursuant to 37 CFR 1.137(b)(3). Since the application was filed on or after June 8, 1995, no terminal disclaimer was required.

All requirements of 37 CFR 1.137(b) having been met, the Office's entry of the July 5, 2007 amendment, the mailing of the notice of allowance on August 9, 2007, and the issuance of the patent on December 25, 2007, constituted a grant of applicant's July 5, 2007 petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-0602.

Thurman K. Page
Petitions Examiner
Office of Petitions

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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 :
Jin Hyo Jung :
Application No. 11/024,796 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. 262864US8 : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed August 15, 2006.

The request is **NOT APPROVED**.

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

The request cannot be approved because the petition is unsigned.

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

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

April M. Wise
Petitions Examiner
Office of Petitions

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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

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JUN 0 6 2008

In re Application of :
Keuk Sang Kwon, et al. :
Application No.: 11/024,807 : ON PETITION
Filed: December 30, 2004 :
Attorney Docket No.: 8733.1311.00-US :

This is a decision on the petition, filed June 5, 2008, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 2, 2008, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The application is being referred to Technology Center AU 2871 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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ALEXANDRIA VA 22314

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OFFICE OF PETITIONS

In re Application of :
Tae Woo Kim :
Application No. 11/024,845 : ON PETITION
Filed: December 30, 2004 :
Attorney Docket No. 262867US8 :

This is a decision on petition to withdraw the holding of abandonment under 37 CFR 1.181 filed April 24, 2006.

The petition to withdraw the holding of abandonment is **GRANTED**.

This application was held abandoned November 20, 2005 for failure to timely reply to the non-final Office Action mailed on August 19, 2005. The non-final Office Action set a three (3) month extendable time period for reply. A Notice of Abandonment was mailed February 22, 2006.

Petitioner asserts that a reply to the non-final Office Action and three month request for extension of time were timely submitted on February 21, 2006. As evidence, petitioner has submitted a copy of a return postcard date stamped by the Office acknowledging receipt of the reply. Additionally, petitioner has supplied a copy of the previously mailed correspondence.

The response submitted February 21, 2006 has not been located in the Office, however, in view of the evidence submitted, the response is deemed timely. It is noted the request for extension of time included a credit card authorization which was processed on February 23, 2006.

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

The application file is being forwarded to the Technology Center 2800 for further processing of the amendment submitted on petition.

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

Charlema R. Grant
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

OBLON SPIVAK MCCLELLAND
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1940 DUKE STREET
ALEXANDRIA, VA 22314

In re Application of :
Tae Woo Kim :
Application No. 11/024,845 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. 262867US8 : 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 9, 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 Revocation Power of Attorney submitted October 23, 2006 is not accepted. In order for an assignee to take action in a case before the Office, compliance with 37 CFR 3.73(b) must be satisfied. More specifically, 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment submitted for recording) or by specifying (*e.g.*, reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party

authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office. A 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).

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

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

David Bucci
Petitions Examiner
Office of Petitions

cc: Mr. Tae Woo Kim
106-1206 Hyunjeon Sawon Apt.
Daewol-myun, Icheon
Kyunggido,
Korea

cc: KBK & ASSOCIATES
15TH Floor, YoSam Building, 648-23
Yeoksam-dong
Kangnam-ku
Seoul 135-748
Republic of Korea

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
11/024,845	12/30/2004	Tae Woo Kim	262867US8

CONFIRMATION NO. 4211

22850
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

OC000000022188934
OC000000022188934

Date Mailed: 01/26/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/09/2006.

- 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.

IRVIN DINGLE
OP (571) 272-3210

FORMER ATTORNEY/AGENT COPY

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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 Application of	:	
LEE	:	
Application No. 11/024,847	:	DECISION ON PETITION
Filed: December 30, 2004	:	TO WITHDRAW
Attorney Docket No. 262454US	:	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.

A Review of the file discloses that a non-final Office action was mailed on October 10, 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 October 10, 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: Kang-Hyun Lee
109-201, Dongilhighville, Gusung-eup,
Yongin-city, Kyungki-do, 449-910,
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
11/024,847	12/30/2004	Kang-Hyun Lee	262454US

CONFIRMATION NO. 4189

OC000000021268260

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

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OFFICE OF PETITIONS

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

In re Application of :

Tae Ho Choi :

Application No. 11/024,848 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. 262931US8 : THE ATTORNEY OF 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 **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 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: **Tae Ho Choi**
701-201 Jugong Apt. Bugae 2-dong
Bupeong-gu, Incheon-si, 403-725
Republic of Korea

cc: **Sunyoung International Patent & Law Firm**
8th Floor, Songchon Bldg.
642-15 Yoksam-Dong
Kangnam-ku
Seoul 135-080
Republic of Korea

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/024,848	12/30/2004	Tae Ho Choi	262931US8

CONFIRMATION NO. 4185

22850
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

OC000000023845632

Date Mailed: 05/14/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/30/2006.

- 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.

Jeffrey S. Williams

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
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1940 Duke Street
Alexandria, VA 22314

In re Application of

Tae Ho Choi
Application No. 11/024,848
Filed: December 30, 2004
Attorney Docket No. 262931US8

DECISION ON PETITION
TO WITHDRAW
THE ATTORNEY OF 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 **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 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: **Tae Ho Choi**
701-201 Jugong Apt. Bugae 2-dong
Bupeong-gu, Incheon-si, 403-725
Republic of Korea

cc: **Sunyoung International Patent & Law Firm**
8th Floor, Songchon Bldg.
642-15 Yoksam-Dong
Kangnam-ku
Seoul 135-080
Republic of Korea

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/024,848	12/30/2004	Tae Ho Choi	262931US8

CONFIRMATION NO. 4185

OC000000023845632

22850
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 05/14/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/30/2006.

- 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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3

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Tae Ho Choi
701-201 Jugong Apt. Bugae 2-dong
Bupeong-gu, Incheon-si, 403-725

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C. IRVIN MCCLELLAND
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1940 DUKE STREET
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OFFICE OF PETITIONS

In re Application of	:	
Lee, Sang Yong	:	DECISION ON PETITION
Application No. 11/024,849	:	TO WITHDRAW
Filed: December 30, 2004	:	FROM RECORD
Attorney Docket No. 262850US-8	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 9, 2006.

The request is **NOT APPROVED**.

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

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

There is an outstanding Office action mailed July 21, 2006, that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

Cc:

KBK & ASSOCIATES
15TH FLOOR, YOSAM BUILDING, 648-23
YEOKSAM-DONG
KANGNAM-KU
SEOUL 135-748
REPUBLIC OF KOREA

MR. SANG YONG LEE
429-3 DUNCHON 2-DONG
GANGDONG-GU
SEOUL, KOREA

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

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DEC 14 2006

OFFICE OF PETITIONS

In re Application of	:	
Lee, Sang Yong	:	DECISION ON PETITION
Application No. 11/024,849	:	TO WITHDRAW
Filed: December 30, 2004	:	FROM RECORD
Attorney Docket No. 262850US-8	:	

CORRECTED DECISION

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 10, 2006. The previous decision mailed November 21, 2006 is hereby VACATED.

The request is **APPROVED**.

The request was signed by C. Irvin McClelland on behalf of all attorneys of record who are associated with Customer Number 22850.

All attorneys/agents associated with 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 inventor; or (2) of an assignee of the entire interest that has taken action in the instant application. All future communications from the Office will continue to be directed to the first named inventor at the below-listed address until otherwise properly notified by the applicant.

There is an outstanding Office action mailed July 21, 2006, that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

Cc:

SANG YONG LEE
429-3 DUNCHON 2-DONG
GANGDONG-GU
SEOUL, KOREA

KBK & ASSOCIATES
15TH FLOOR, YOSAM BUILDING, 648-23
YEOKSAM-DONG
KANGNAM-KU
SEOUL 135-748
REPUBLIC OF KOREA

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MORGAN, LEWIS & BOCKIUS LLP (SF)
2 PALO ALTO SQUARE
3000 El Camino Real, Suite 700
PALO ALTO CA 94306

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AUG 2 1 2006
OFFICE OF PETITIONS

In re Application of
Chung et al.
Application Number: 11/024,866
Patent: 7,009,479
Attorney Docket Number: 060945-5023
Filing Date: December 28, 2004
Issue Date: March 7, 2006

DECISION ON PETITION

This is a decision on the petition to correct the name of the assignee filed on May 11, 2006. The petition is properly treated 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 petition is **Granted**.

A review of the record shows petitioner was charged twice for the certificate of correction ($100) and the ($130) processing fees. Petitioner may request a refund from the Office of Finance.

This application is being forwarded to the Certificate of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

Charlema R. Grant
Petitions Attorney
Office of Petitions

[1]See 69 Fed. Reg. 29865 (May 26, 2004).

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

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JUN 17 2005

OFFICE OF PETITIONS

In re Application of :
Matsuura, et al. :
Application No. 11/024,873 : ON PETITION
Filed: December 30, 2004 :
Attorney Docket No. 032203A :

This is a decision on papers filed on March 3, 2005, which is being treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date December 30, 2004, including Figure 6 described in the specification.

The application was submitted on December 30, 2004. However, on February 22, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Items in a Nonprovisional Application" (Notice) that stated the application had been accorded a filing date, and, among other things, that Figure 6 described in the specification appears to have been omitted.

In response, on March 3, 2005, the instant petition and one (1) sheet of drawings were submitted. Petitioner argues that Figure 6 described in the specification was filed on December 30, 2004.

In support, petitioner has submitted a stamped postcard receipt that indicates the receipt in the USPTO on December 30, 2004 of "Drawings (10 Shts)." Petitioner's argument has been considered, but is not persuasive. A review of the application file indicates 10 sheets of drawings, that include Figures 1, 2, 3, 4, 5, 7, 8, 9, 10 and one (1) blank page that contains the same header as the other drawing sheets, were submitted on December 30, 2004. As such, the review of the actual 10 sheets submitted on December 30, 2004, reveal that Figure 6 was, in fact, omitted.

The Patent and Trademark Office (Office) file is the official record of the papers originally filed in this application. A review of the official file reveals Figure 6 was omitted. Figure 6 was not filed on December 30, 2004, since no such Figure is present in the 10 sheets of drawings found in the application file that were submitted on December 30, 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.

Accordingly, the petition is dismissed.

However, applicant notes that the application included an incorporation by reference statement to the parent application of the above-identified application. Applicant wishes to add the omitted figure through the incorporation by reference. However, no petition is necessary for that purpose.

MPEP 201.06(c) states:

> B. Application Entitled to a Filing Date
> If a continuation or divisional application as originally filed is entitled to a filing date despite the omission of a portion of the prior application(s), applicant will be permitted to add the omitted material by way of an amendment provided a statement was included in the application as originally filed that incorporates by reference the prior application(s). If the application as originally filed includes a proper incorporation by reference of the prior application(s), an omitted specification page(s) and/or drawing figure(s) identified in a "Notice of Omitted Item(s)" may be added by amendment provided the omitted item(s) contains only subject matter in common with such prior application(s). In such case, applicant need not respond to the "Notice of Omitted Item(s)." Applicant should submit the amendment adding the omitted material prior to the first Office action to avoid delays in the prosecution of the application. See MPEP § 601.01(d) and § 601.01(g).

If applicant desires that Figure 6 described in the specification be added to the application, the appropriate procedure is by way of amendment requesting the entry of the Figure. Any such amendment should be filed prior to the first action on the merits and will be considered by the primary examiner.

Please note, the petition fee will not be refunded, since the petition was not necessitated by any error on the part of the USPTO.

The application will be forwarded the Office of Initial Patent Examination for further processing with a filing date of December 30, 2004, using only the application papers as filed on December 30, 2004.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/024,881	12/30/2004	Junji Kobayashi	H64-180364M/MAK NGB.472	3977

21254 7590 03/27/2009

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER	
KELLY, CYNTHIA HARRIS	
ART UNIT	**PAPER NUMBER**
1795	
MAIL DATE	**DELIVERY MODE**
03/27/2009	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: 3/27/09

In re application of	:	
Kobayashi et al.	:	DECISION ON
Serial No. 11/024,881	:	PETITION
Filed: December 30, 2004	:	
For: Developing Toner For Electrophotography And Electrophotographic Device	:	

This is a response to a Request For A New Office Action Or In The Alternative A Notice Of Withdrawal Of Office Action which is being treated as a PETITION UNDER RULE 37 C.F.R. 1.181 (no fee) filed March 10, 2009.

Applicants' representative contacted the Supervisory Patent Examiner (SPE) on December 9, 2008. The SPE indicated that a new Examiner would issue a non-final Office Action.

DECISION

The Petition is **GRANTED**.

Applicants' request has been forwarded to SPE Cynthia Kelley for the issuance of a new office action.

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

Scott M. Tulino
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

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SIDLEY AUSTIN, LLP
555 WEST FIFTH STREET, 40TH FLOOR
LOS ANGELES, CA 90013-1010

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AUG 22 2007

OFFICE OF PETITIONS

In re Application of

James P. Lambert
Application No. 11/024,889
Filed: December 29, 2004
Attorney Docket No. 18993-81152

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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

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

A review of the file record indicates that the power of attorney to Denise L. McKenzie and the attorneys associated with the firm of Sidley Austin LLP has been revoked by the assignee of the patent application on June 22, 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: Cox Smith Matthews Incorporated
112 East Pecan Street, Suite 1800
San Antonio, TX 78205-1521

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 4-17-01

Paper No.: _____

TO SPE OF : ART UNIT 2125

SUBJECT : Request for Certificate of Correction on Patent No.: 7120515 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.

Valerie Jackson

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-308-9390 ext. 114

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

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

Comments:

All changes Approved

Michael Masinick

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

L. P. P.
SPE

2125
Art Unit

32692
Customer Number

Patent
Case No.: 59498US004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	FLOEDER, STEVEN P.		
Patent No.:	7120515	Application No.:	11/024894
Dated:	October 10, 2006	Confirmation No.	5819
Title:	INVENTORY CONTROL FOR WEB-BASED ARTICLES		

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 CFR § 1.322 AND 1.323

Commissioner for Patents
Office of Publication
Attn: Certificate of Correction Branch
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

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

Date _____ Signed by: _____

Dear Sir:

It is respectfully requested that a Certificate of Correction be issued in connection with the above-identified patent. The required text is submitted on the attached form.

The errors are attributable to both the Applicant(s) and the Patent and Trademark Office.

☐ Please charge the fee provided in 37 CFR § 1.20(a) to Deposit Account No. 13-3723. One copy of this sheet marked duplicate is also enclosed.

☒ Any required fee will be paid at the time of EFS-Web submission.

☒ If necessary, charge any required fee, or credit any overpayment to Deposit Account No. 13-3723.

Respectfully submitted,

April 5, 2007
Date

By: _____
Steven A. Bern, Reg. No.: 57,095
Telephone No.: 651-733-2255

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833

Staple Here Only! Printer's Trim Line

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO.: 7120515

DATED: October 10, 2006

FIRST NAMED INVENTOR: FLOEDER, STEVEN P.

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

On Sheet 7 of 11 Drawing Pages, under (Box72F), under (FIG. 7)
Delete "MAP-R1" and insert -- MAP-R_1 --, therefor.
Delete "MAP-R2" and insert -- MAP-R_2 --, therefor.
Delete "MAP-R3" and insert -- MAP-R_3 --, therefor.
Delete "MAP-R4" and insert -- MAP-R_4 --, therefor.

In Col. 4
Line 13, delete "severity." and insert -- severity; --, therefor.

In Col. 8
Line 18, delete "FIG. 4." and insert -- FIG. 4 --, therefor.

In Col. 11
Line 63, delete "(MAP-R1)" and insert -- (MAP-R_1) --, therefor.
Line 65, delete "(MAP-R2)" and insert -- (MAP-R_2) --, therefor.

In Col. 12
Line 9, after "INSPECTION," insert -- having Attorney Docket No. 58695US002, --.
Line 39, delete "the-identified" and insert -- the identified --, therefor.

Col. 15
Line 64, in claim 9, after "comprising" insert -- : --.

MAILING ADDRESS OF SENDER:

OFFICE OF INTELLECTUAL PROPERTY COUNSEL
3M INNOVATIVE PROPERTIES COMPANY
3M CENTER - P.O. BOX 33427
SAINT PAUL, MINNESOTA 55133-3427

PATENT NO. 7120515

No. of add'l copies: -0-
@ 50¢ per page

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

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NOV 14 2006
OFFICE OF PETITIONS

In re Application of :
Sasaki et al. :
Application No. 11/024,903 : DECISION ON PETITION
Filed: December 30, 2004 : TO MAKE SPECIAL UNDER
Attorney Docket No. 121297 : 37 CFR 1.102(d)
:

This is a decision on the petition under 37 CFR 1.102(d), filed August 15, 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 **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(d) and MPEP § 708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and the filing of a petition accompanied by a statement by the applicant, assignee, or an 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.

Applicant has satisfied the provisions set forth in M.P.E.P. § 708.02, Section II and therefore the petition to make special is granted.

Telephone inquiries concerning this decision should be directed to Ramesh Krishnamurthy at 571-272-4914, or to the undersigned at 571-272-7099.

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

The application is being forwarded to the Technology Center Art Unit 2161 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York, NY 10036

Mail Date: 06/30/2010

Applicant	: Mordechai Frisch	: DECISION ON REQUEST FOR
Patent Number	: 7647090	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/024,906	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/30/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **718** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE, SC 29602-1449

Mail Date: 04/21/2010

Applicant	: Oomman Painummoottil Thomas	: DECISION ON REQUEST FOR
Patent Number	: 7612001	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/024,927	: 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 **163** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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EDELL, SHAPIRO & FINNAN, LLC
1901 RESEARCH BOULEVARD,
SUITE 400
ROCKVILLE MD 20850

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MAR 13 2008

OFFICE OF PETITIONS

In re Patent No. 7,061,797 :
Issue Date: June 13, 2006 :
Application No. 11/024,945 : ON PETITION
Filed: December 30, 2004 :
Attorney Docket No. 0928.0163C :

This is a decision on the petition filed July 25, 2007, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/5/08 Paper No.: ——

TO SPE OF : ART UNIT 2817

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/024950 Patent No.: 7423502

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: APPROVED FOR ENTRY

SPE 2817 Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

AUG 28 2009

OFFICE OF PETITIONS

In re Application of :
Forester, et al. :
Application No. 11/024,959 : LETTER REGARDING
Filed: December 30, 2004 : PATENT TERM ADJUSTMENT
Attorney Docket No. 044463-0360 :

This is in response to the "COMMUNICTAION REGARDING PATENT TERM ADJUSTMENT" filed March 27, 2009. 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 patent term adjustment is **GRANTED**.

The Office has updated the PALM and PAIR screens to reflect that the Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is one hundred four (104) days. A copy of the updated PALM screen, showing the corrected determination, is enclosed.

On January 13, 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 is 266 days. On March 27, 2009, applicants submitted the instant comment. Applicants disclose the patent term adjustment as indicated on the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) disagrees with applicants' calculation of the same. Applicants do not state a basis for the request for review of the patent term adjustment.

A review of the application history reveals that the patent term adjustment should be reduced by 90 days, pursuant to 37 CFR

1.704(b)[1], for the period of time in excess of three months that was taken to reply to a final Office action.

On April 3, 2008, the Office mailed a final Office action. In response, applicants filed an amendment on July 2, 2008, which failed to place the application in condition for allowance. Thereafter, on October 1, 2008, applicants filed a notice of appeal. The notice of appeal, filed October 1, 2008, was not received within three months of the mailing of the Office action on April 3, 3008. In accordance with 37 CFR 1.704(b), the period of adjustment of the term of the patent should have been reduced by 90 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 Office action under 35 U.S.C. 132, July 4, 2008, and ending on the date the notice of appeal was filed, October 1, 2008. Accordingly, a period of reduction of 90 days is being entered.

A review of the record reveals that the Office was assessed a period of delay under 37 CFR 1.702(a)(2) for failing to respond to a reply under 35 U.S.C. 132 not later than four months after the date on which the reply was filed. Pursuant to 37 CFR 1.703(a)(3), the period of adjustment under § 1.702(a) is:

> The number of days, if any, in the period beginning on the day after the date that is four months after the date a

[1] It is noted that 37 CFR 1.704(b) provides that:

> [w]ith respect to the grounds for adjustment set forth in §§ 1.702(a) through (e), in particular the ground of adjustment set forth in § 1.702(b), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment in § 1.703 shall be reduced by the number of days, if any, beginning on the date after the date that is three-months after the date of the mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph.

> reply in compliance with § 1.113(c) was filed 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[.]

In this instance, the Office mailed a notice of allowance on January 13, 2009, within four months of the filing of a reply in compliance with 37 CFR 1.113(c) on October 3, 2008. As the Office took action within the specified time frame set forth in 37 CFR 1.702(a)(2), the period of adjustment of 72 days is not warranted and will be removed.

In view thereof, the determination of the patent term adjustment at the time of the mailing of the notice of allowance is 104 days.

As this letter was submitted to advise the Office of an error in the applicants favor, the Office will not assess the $200.00 fee under 37 CFR 1.18(e). The Office thanks the applicants for the 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 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 Kenya A. McLaughlin, Petitions Attorney at (571) 272-3222.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM screen

Day : Thursday
Date: 8/27/2009

PALM INTRANET

Time: 12:35:46

PTA Calculations for Application: 11/024959			
Application Filing Date:	12/30/2004	PTO Delay (PTO):	429
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	163
Post-Issue Petitions:	0	Total PTA (days):	104
PTO Delay Adjustment:	-162		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
79	08/27/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		72	
78	08/27/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		90	
65	01/13/2009	MAIL NOTICE OF ALLOWANCE	72		46
64	12/31/2008	ISSUE REVISION COMPLETED			
63	12/31/2008	DOCUMENT VERIFICATION			
62	12/31/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
61	12/31/2008	CASE DOCKETED TO EXAMINER IN GAU			
60	12/31/2008	EXAMINER'S AMENDMENT COMMUNICATION			
59	12/23/2008	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
58	10/01/2008	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
57	12/17/2008	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
56	12/19/2008	NOTICE OF ALLOWABILITY			
53	10/10/2008	DATE FORWARDED TO EXAMINER			
52	10/03/2008	SUPPLEMENTAL RESPONSE			
51	10/01/2008	NOTICE OF APPEAL FILED			
50	10/01/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
49	07/31/2008	MAIL ADVISORY ACTION (PTOL - 303)			
48	07/30/2008	ADVISORY ACTION (PTOL-303)			
47	07/15/2008	DATE FORWARDED TO EXAMINER			
46	07/02/2008	AMENDMENT AFTER FINAL REJECTION			
45	04/03/2008	MAIL FINAL REJECTION (PTOL - 326)			
44	03/12/2008	FINAL REJECTION			

43	12/10/2007	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)			
42	01/11/2008	DATE FORWARDED TO EXAMINER			
41	12/10/2007	RESPONSE AFTER NON-FINAL ACTION			
40	09/10/2007	MAIL NON-FINAL REJECTION			
39	09/04/2007	NON-FINAL REJECTION			
38	08/06/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
37	08/06/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		46	34
36	08/06/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
35	06/28/2007	DATE FORWARDED TO EXAMINER			
34	06/21/2007	RESPONSE TO ELECTION / RESTRICTION FILED		87	28
33	06/20/2007	MAIL NOTICE OF INFORMAL OR NON-RESPONSIVE AMENDMENT			
32	08/04/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
31	08/23/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
30	02/09/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
29	04/07/2007	DATE FORWARDED TO EXAMINER			
28.1	03/26/2007	INFORMAL OR NON-RESPONSIVE AMENDMENT AFTER EXAMINER ACTION			
28	03/26/2007	RESPONSE TO ELECTION / RESTRICTION FILED			
27	03/26/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
26.7	02/09/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
26	02/09/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
25	02/20/2007	MAIL RESTRICTION REQUIREMENT	357		-1
24	02/12/2007	REQUIREMENT FOR RESTRICTION / ELECTION			
23.7	08/23/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
23	08/23/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
22	11/03/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
21	11/01/2005	CASE DOCKETED TO EXAMINER IN GAU			

20	06/17/2005	PRELIMINARY AMENDMENT			
19	08/04/2005	REFERENCE CAPTURE ON IDS			
18.7	08/04/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	08/04/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	06/17/2005	PRELIMINARY AMENDMENT			
16	07/27/2005	APPLICATION DISPATCHED FROM OIPE			
15	07/27/2005	APPLICATION IS NOW COMPLETE			
14	06/17/2005	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM		30	7
13	12/30/2004	CLAIM PRELIMINARY AMENDMENT			
11	06/17/2005	A SET OF SYMBOLS AND PROCEDURES, PROVIDED TO THE PTO ON A SET OF COMPUTER LISTINGS, THAT DESCRIBE IN			
10	06/17/2005	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
9	06/17/2005	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
8	06/28/2005	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
7	02/18/2005	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
4	02/13/2005	CLEARED BY L&R (LARS)			
3	01/26/2005	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
2	01/20/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	12/30/2004	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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NEW YORK, NY 10112

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JAN 31 2007

OFFICE OF PETITIONS

In re Application of	:	
Katsumi Aoki et al	:	
Application No. 11/024,961	:	DECISION GRANTING PETITION
Filed: December 30, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 03500.103962	:	

This is a decision on the petition, filed January 30, 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 27, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2834 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\Jan10\024961.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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WASHINGTON, DC 20005-3315

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AUG 0 5 2005

OFFICE OF PETITIONS

In re Application of :
Peter Choi :
Application No. 11/024,962 :
Filed: December 30, 2004 :
Attorney Docket No. 37150.112-02 :

ON PETITION

This is a decision on the petition under 37 CFR 1.59, filed March 16, 2005. Upon further review of the record, the petition is being treated as a petition under 37 CFR 1.181.

On March 9, 2005, petitioner filed a claim for priority; however, petitioner identified an incorrect application, No. 11/024,952, on the paper. On March 16, 2005, petitioner submitted a "Petition to Expunge and Return Information Under 37 CFR 1.59(b)," and a $130.00 petition fee. Again, petitioner identified the incorrect application, No. 11/024,952, on the petition. The claim for priority and the petition were placed in application No. 11/024,952.

Petitioner requests that the Office expunge the claim for priority document and return the paper to petitioner. However, the document appears in Image File Wrapper format. The Office will not return the document from the physical file because it is the Office's policy not to remove papers from files that have been scanned.

Pursuant to Section 502 of the Manual of Patent Examining Procedure, "A minor error in the identification of the application can be corrected by the Office provided the correct identification can be quickly discovered." "Examples of minor errors are transposed numbers, typographical errors, and listing the parent application number." Id.

In reviewing the papers, it is concluded that there was sufficient information thereon to associate the papers with the present application file. For this reason, the claim for priority document and the petition will be "closed" in the Image File Wrapper software-viewing program for application No. 11/024,952, and will be scanned into the Image File Wrapper for application No. 11/024,962.

Due to the minor error in the identification of the application number, the matter will be corrected without the need for a petition fee. Therefore, the $130.00 petition fee will be refunded by treasury check in due course.

Telephone inquiries regarding 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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WASHINGTON DC 20006

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JAN 22 2007

OFFICE OF PETITIONS

In re Application of
Nelson et al.
Application No. 11/024,971
Filed: December 30, 2004
Attorney Docket No. 28700.002.00
Title of Invention: System and Method For Routing Call Traffic

DECISION ON PETITION

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

This above-identified application became abandoned for failure to file a proper response to a Notice to File Missing Parts which was mailed on February 10, 2005. The Notice to File Missing Parts set an extendable two (2) month period for reply. A reply and five month extension of time were submitted on September 12, 2005. A Notice of Incomplete Reply was mailed on September 26, 2005. Accordingly, this application became abandoned on September 11, 2005. A Notice of Abandonment was mailed on September 13, 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 Initial Patent Examination for further processing of the application.

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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HARRITY & HARRITY, LLP
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SUITE 600
FAIRFAX VA 22030

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JAN 27 2010

OFFICE OF PETITIONS

In re Application of :
Kwun et al. :
Application No. 11/024,976 : ON APPLICATION FOR
Filed: 12/30/2004 : PATENT TERM ADJUSTMENT
Atty. Docket No. 0026-0125 :

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT filed November 30, 2009. Applicants submit that the correct patent term adjustment to be indicated on the patent is one thousand three hundred forty days (1349) plus the number of days until the patent issues, not seven hundred thirty-nine (739) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants seek 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 three years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR

1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss such a request as premature.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee.[1]

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).

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[1] For example, if applicants dispute both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed, and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicants must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within two months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

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

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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MAY 23 2006

OFFICE OF PETITIONS

In re Application of :
Manabu Kai et al :
Application No. 11/024,990 : DECISION GRANTING PETITION
Filed: December 29, 2004 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. FUJS 18.774A :

This is a decision on the petition, filed May 22, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 29, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2817 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

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

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GWIPS
PETER T. KWON
P.O. BOX 231630
CENTERVILLE VA 20120

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OFFICE OF PETITIONS

In re Application of :
Pil Dong Jeon :
Application No. 11/024,999 : DECISION ON PETITION
Filed: December 28, 2004 :
Attorney Docket No. P7123/PnP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 6, 2007 and Supplemented on July 11, 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 Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed October 10, 2006, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 11, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $750, and (3) a proper statement of unintentional delay.

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 undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 3618 for appropriate action by the Examiner in the normal course of business on the reply received July 6, 2007.

April M. Wise
Petitions Examiner
Office of Petitions

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/024,999	12/28/2004	Pil Dong Jeon	2008-3030

CONFIRMATION NO. 3578

POWER OF ATTORNEY NOTICE

JONATHAN Y. KANG, ESQ.
LEE, HONG, DEGERMAN, KANG & SCHMADEKA
14th Floor
801 S. Figueroa Street
Los Angeles, CA 90017-5554

OC000000026603955

Date Mailed: 11/05/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/06/2007.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/amwise/

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

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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
11/024,999	12/28/2004	Pil Dong Jeon	P7123/PnP

CONFIRMATION NO. 3578

POA ACCEPTANCE LETTER

41943
GWIPS
PETER T. KWON
P.O. BOX 231630
CENTERVILLE, VA 20120

OC00000026603956

Date Mailed: 11/05/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/06/2007.

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.

/amwise/

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

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2405 GRAND BLVD., SUITE 400
KANSAS CITY MO 64108

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JUN 21 2007

OFFICE OF PETITIONS

In re Application of :
Fancher : DECISION ON PETITION
Application No. 11/025,003 :
Filed: December 29, 2004 :
Atty. Dkt. No.: 32614-CNT :

This decision is in response to the petition renewed under 37 CFR 1.137(b) filed November 8, 2006.

The petition is hereby **GRANTED**.

This application became abandoned September 28, 2006 for failure to timely submit a proper reply to the Notice of Allowance (Notice) mailed June 27, 2006. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed October 30, 2006.

In accordance with the Notice of Withdrawal from Issue mailed February 16, 2006, the issue fee submitted November 28, 2005 was refundable upon written request. Or, upon written request, the previously submitted issue fee and publication fee could be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. The request and any balance due must have been received on or before the due date noted in the new Notice of Allowance in order to avoid abandonment of the application. A written request to this effect was received June 20, 2007. Therefore, the Office will reapply the previously submitted issue fee and publication fee.

The instant petition has been reviewed and found in compliance with the provisions of 37 C.F.R. § 1.137(b). Accordingly, the failure to timely submit a proper reply to the Notice is accepted as having been unintentionally delayed.

This application will be forwarded to the Office of Patent Publication for further processing.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

Warren N. Williams, P.C.
Stephen D. Timmons, P.C.
John M. Collins, P.C.
Thomas H. Van Hoozer, P.C.
Thomas B. Luebbering, P.C.
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TELEFACSIMILE TRANSMISSION

DATE:	June 20, 2007	TOTAL PAGES:	2
TO:	PTO - Lisa Brown	FAX NO.:	571-273-3205
FROM:	D. Marquis	OPERATOR:	

RE:
Docket No. 32614-CNT; Application No. 11/025,003; Filing Date: 12/29/2004

MESSAGE

Request that previously paid Issue and Publications fees be re-applied to application.

Document(s) transmitted: Request for Issue/Publication Fee Re-applied
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Docket No.: 32614-CNT
FANCHER, Bob W.	Confirmation No.: 3586
Serial No.: 11/025,003	Group Art Unit No.: 3753
Filed: 12/29/2004	Customer No.: 23589
HOUSING FOR GAS REGULATOR AND GAUGES	Examiner: CHAMBERS, A. MICHAEL

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

Sir:

Applicant respectfully requests that the Issue and Publications fees previously paid on November 28, 2005 for the above-referenced application be reapplied to the application.

Any additional fees which are due in connection with this request should be applied against Deposit Account No. 19-0522.

Respectfully submitted,

By _____

Thomas B. Luebbering
Reg. No. 37,874
HOVEY WILLIAMS LLP
2405 Grand Boulevard, Suite 400
Kansas City, Missouri 64108
816/474-9050

ATTORNEYS FOR APPLICANT(S)

UNITED STATES PATENT AND TRADEMARK OFFICE

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MACDONALD ILLIG JONES & BRITTON LLP
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SEP 26 2008

OFFICE OF PETITIONS

In re Application of :
KAKANI, Naveen K. et al. :
Application No. 11/025,007 : DECISION ON PETITION
Filed: December 29, 2004 : TO WITHDRAW
Attorney Docket No. **NOKIA.50US** : 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 27, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Robert Bauer on behalf of all attorneys of record who are associated with customer No. 43829. All attorneys/agents associated with the Customer Number 43829 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 interest at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed September 17, 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
Paralegal Specialist
Office of Petitions

cc: **NAVEEN K. KAKANI**
804 MEADOW CREEK DR. #2014
IRVING TX 75038

cc: **FOLEY & LARDNER LLP**
11250 EL CAMINO REAL
SUITE 200
SAN DIEGO 92130

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BROOKS, CAMERON & HUEBSCH, PLLC
1221 NICOLLET AVENUE
SUITE 500
MINNEAPOLIS, MN 55403

Mail Date: 04/21/2010

Applicant	: John Spiridigliozzi	: DECISION ON REQUEST FOR
Patent Number	: 7588596	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/025,020	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **216** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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JAN 27 2010

OFFICE OF PETITIONS

STEN GERFAST
1802 VALLEY CURVE
MENDOTA HEIGHTS MN 55118

In re Application of :
Sten R. Gerfast :
Application No. 11/025,022 : ON PETITION
Filed: December 30, 2004 :
Title: Control Signals for Single Coil Brushless Motor :

This is a decision on the petition to revive the abandoned application under 37 CFR 1.137(a), filed December 4, 2009.

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

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. 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)."

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed November 1, 2005. This Office action set a shortened statutory period for reply of three (3) months. No proper reply having been received, the above-identified application became abandoned on February 2, 2006. The Office mailed a Notice of Abandonment on October 6, 2006.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee required by 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)) as required pursuant to 37 CFR 1.137(d). The instant petition lacks item (3).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[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] In addition, delay resulting from the lack of knowledge or improper application of the patent statutes, rules of practice or the Manual of Patent Examining Procedure, does not constitute "unavoidable" delay.[3]

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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).

[3] See Haines, 673 F. Supp. at 317, 5 U.S.P.Q. 2d at 1132; Vincent v. Mossinghoff, 230 U.S.P.Q. 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 U.S.P.Q. 1091 (D.D.C. 1981); Potter v. Dann, 201 U.S.P.Q. 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

As to requirement (1), petitioner has not submitted a proper reply in response to the final Office action. A proper reply consists of the filing of either an Amendment that *prima facie* (on its face) places the application in condition for allowance, a Notice of Appeal (and fee), a Request for Continued Examination (and fee), or a continuing application.

As to requirement (3), petitioner has not met his burden of establishing that the delay was unavoidable.

37 CFR 1.135(b), the regulation relevant to the abandonment of this application, provides that (A) the admission of, or refusal to admit, any amendment after final rejection, or any related proceedings, will not operate to save the application from abandonment; and (B) the admission of, or refusal to admit, any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment. It is the applicant's responsibility to take the necessary action in an application under a final Office action to provide a complete reply under 37 CFR 1.113. "A delay is not 'unavoidable' when the applicant simply permits the maximum extendable statutory period for reply to a final Office action to expire while awaiting a notice of allowance or other action."[4] 37 CFR 1.116 and 1.135(b) are manifest that proceedings concerning an amendment after final rejection will not operate to avoid abandonment of the application in the absence of a timely and proper appeal.

Petitioner argues that he did timely file a response to the final Office action, in that he filed a "Consideration Request and Request for Withdrawal of Final Office Action" on November 23, 2005. However, as set forth above, a proper reply to a final Office actions consists only of either an Amendment that *prima facie* (on its face) places the application in condition for allowance, a Notice of Appeal (and fee), a Request for Continued Examination (and fee), or a continuing application. Applicant has not explained why he was unavoidably prevented from filing one of these replies. The last day either of these replies could have been filed, with the maximum allowed three month extension of time, would have been May 1, 2006.

Furthermore, 37 CFR 1.181(f) states that the "mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings."

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[4] MPEP 711.03(c)(III)(C)(2).

Accordingly, when petitioner did not receive a reply to his request to withdraw the final Office action, petitioner should have filed a Notice of Appeal, an RCE, a continuing application, or an amendment that *prima facie* placed the application in condition for allowance.

Lastly, 37 CFR 1.137(a) requires a showing that the "entire delay" in filing the required reply from the due date until the petition filing date was unavoidable. Here, petitioner has not accounted for the delay in filing the instant petition, a delay of nearly four years.

While the delay at issue may have been unintentional, it has not been shown to be unavoidable. Petitioner may seek to revive the application under 37 CFR 1.137(b) - unintentional delay. 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); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: PTO/SB/64 (2 pages)
Privacy Act Statement (1 page)

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MAR 25 2010

OFFICE OF PETITIONS

STEN GERFAST
1802 VALLEY CURVE
MENDOTA HEIGHTS MN 55118

In re Application of :
Sten R. Gerfast :
Application No. 11/025,022 : ON PETITION
Filed: December 30, 2004 :
Title: Control Signals for Single Coil Brushless Motor :

This is a decision on the petition to revive the abandoned application under 37 CFR 1.137(b), filed March 1, 2010.

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 additional petition fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed November 1, 2005. This Office action set a shortened statutory period for reply of three (3) months. No proper reply having been received, the above-identified application became abandoned on February 2, 2006. The Office mailed a Notice of Abandonment on October 6, 2006. Applicant filed a petition to revive under

37 CFR 1.137(a) on December 4, 2009. However, the petition was dismissed in a decision mailed on January 7, 2010. The petition was dismissed because applicant did not submit a proper reply to the final Office action. In addition, the petition was dismissed because petitioner did not establish that the entire period of delay was unavoidable.

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); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

Here, petitioner has not met requirement (1) above.

Petitioner has not submitted a proper reply to the November 1, 2005 final Office action. A proper reply to a final Office actions consists only of either an Amendment that *prima facie* (on its face) places the application in condition for allowance, a Notice of Appeal (and fee), a Request for Continued Examination (and fee), or a continuing application.

Moreover, as the application has been abandoned for an extended period of time, petitioner is requested to account for the delay in filing the instant petition.

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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MAY 17 2010

OFFICE OF PETITIONS

STEN GERFAST
1802 VALLEY CURVE
MENDOTA HEIGHTS MN 55118

In re Application of :
Sten R. Gerfast :
Application No. 11/025,022 : ON PETITION
Filed: December 30, 2004 :
Title: Control Signals for Single Coil Brushless Motor :

This is a decision on the renewed petition to revive the abandoned application under 37 CFR 1.137(b), filed April 12, 2010.

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 additional petition fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed November 1, 2005. This Office action set a shortened statutory period for reply of three (3) months. No proper reply having been received, the above-identified application became abandoned on February 2, 2006. The Office mailed a Notice of Abandonment

on October 6, 2006. Applicant filed a petition to revive under 37 CFR 1.137(a) on December 4, 2009. However, the petition was dismissed in a decision mailed on January 7, 2010. The petition was dismissed because applicant did not submit a proper reply to the final Office action. In addition, the petition was dismissed because petitioner did not establish that the entire period of delay was unavoidable. Applicant then filed a petition to revive under 37 CFR 1.137(b) on March 1, 2010. However, that petition was dismissed in a decision mailed on March 25, 2010. The petition was dismissed because while petitioner paid the petition fee, petitioner failed to submit a proper reply to the November 1, 2005 final Office action. Moreover, petition did not account for the delay in filing the first petition on December 4, 2009, after the Office mailed a Notice of Abandonment three years earlier on October 6, 2006.

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); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

Here, petitioner has not met requirement (1) above.

Petitioner has still not submitted a proper reply to the November 1, 2005 final Office action. A proper reply to a final Office actions consists only of either an Amendment that *prima facie* (on its face) places the application in condition for allowance, a Notice of Appeal (and fee), a Request for Continued Examination (and fee), or a continuing application.

Petitioner argues that he filed a timely reply on November 23, 2005, in that he filed a "Request for Reconsideration". Petitioner cites to 37 CFR 1.111 and argues that he can file a request for reconsideration, "with or without amendments."

Petitioner's argument is not persuasive. 37 CFR 1.111 only applies to **non-final** Office actions. Here, the November 23, 2005 Office action was a **final** Office action.

Accordingly, on renewed petition, petitioner needs to:

1. Submit a proper reply to the November 1, 2005 final Office action. A proper reply to a final Office actions consists only of either an Amendment that *prima facie* (on its face) places the

application in condition for allowance, a Notice of Appeal (and fee), a Request for Continued Examination (and fee), or a continuing application.

2. Provide an explanation as to why it took petitioner over three years from the mailing of the Notice of Abandonment on October 6, 2006, to file his first petition on December 4, 2009.

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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STEN GERFAST
1802 VALLEY CURVE
MENDOTA HEIGHTS MN 55118

MAILED

JUL 19 2010

OFFICE OF PETITIONS

In re Application of :
Sten R. Gerfast :
Application No. 11/025,022 : ON PETITION
Filed: December 30, 2004 :
Title: Control Signals for Single Coil Brushless Motor :

This is a decision on the renewed petition to revive the abandoned application under 37 CFR 1.137(b), filed June 22, 2010.

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 additional petition fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a **proper** reply to the final Office action mailed November 1, 2005. This Office action set a shortened statutory period for reply of three (3) months. No proper reply having been received, the above-identified application became abandoned on February 2, 2006. The Office mailed a Notice of Abandonment on October 6, 2006. Applicant filed a petition to revive under

37 CFR 1.137(a) on December 4, 2009. However, the petition was dismissed in a decision mailed on January 7, 2010. The petition was dismissed because applicant did not submit a proper reply to the final Office action. In addition, the petition was dismissed because petitioner did not establish that the entire period of delay was unavoidable. Applicant then filed a petition to revive under 37 CFR 1.137(b) on March 1, 2010. However, that petition was dismissed in a decision mailed on March 25, 2010. The petition was dismissed because while petitioner paid the petition fee, petitioner failed to submit a proper reply to the November 1, 2005 final Office action. Moreover, petition did not account for the delay in filing the first petition on December 4, 2009, after the Office mailed a Notice of Abandonment three years earlier on October 6, 2006. Applicant filed a renewed petition on April 12, 2010, which was again dismissed in a decision mailed on May 17, 2010.

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); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

Here, petitioner has not met requirement (1) above.

Petitioner has still not submitted a proper reply to the November 1, 2005 final Office action. A proper reply to a final Office actions consists only of either an Amendment that *prima facie* (on its face) places the application in condition for allowance, a Notice of Appeal (and fee), a Request for Continued Examination (and fee), or a continuing application.

Instead, petitioner has submitted another copy of his reply previously filed on November 23, 2005 (dated November 19, 2005). However, that reply has been previously deemed to **not** *prima facie* place the application in condition for allowance.

Accordingly, on renewed petition, petitioner needs to submit a proper reply to the November 1, 2005 final Office action. Petitioner will need to submit either a **Notice of Appeal (and fee), a Request for Continued Examination (and fee), or a continuing application.**

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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LEYDIG VOIT & MAYER, LTD
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180 NORTH STETSON AVENUE
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Mail Date: 04/20/2010

Applicant	: Claudio Taglienti	: DECISION ON REQUEST FOR
Patent Number	: 7620383	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/025,030	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1261** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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SMART & BIGGAR
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TORONTO, ON M5G 2K8
CANADA

Mail Date: 04/21/2010

Applicant	: Maged E. Beshai	: DECISION ON REQUEST FOR
Patent Number	: 7602771	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/025,077	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/30/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1203** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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SMART & BIGGAR
438 UNIVERSITY AVENUE
SUITE 1500, BOX 111
TORONTO, ON M5G 2K8
CANADA

Mail Date: 05/18/2010

Applicant : Maged E. Beshai
Patent Number : 7602771
Issue Date : 10/13/2009
Application No: 11/025,077
Filed : 12/30/2004

: 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 **1310** 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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Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, NY 11530-3319

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SEP 13 2006
OFFICE OF PETITIONS

In re Application of Hsu et al. :
Application No. 11/025,086 : Decision on Petition
Filing Date: December 29, 2004 :
Attorney Docket No. 18546 :

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

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed April 5, 2005. The Notice set a period for reply of two (2) months from the mail date of the Notice. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on July 6, 2005. A Notice of Abandonment was mailed on January 5, 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.

The Office of Initial Patent Examination will be informed of the instant decision and will prepare the application for examination in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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MAILED SEP 30 2005

RICHARD M. GOLDBERG
25 EAST SALEM STREET
SUITE 419
HACKENSACK, NJ 07601

In re Application of
DONDYSH, LEON MICHAEL
Application No.: 11/025,089
Filed: December 29, 2004

: **DECISION ON**
: **PETITION TO**
: **MAKE SPECIAL**
:

This is a decision on the petition filed December 29, 2004 to make special under 37 CFR 1.102(c).

Since the requirements of 37 CFR 1.102(c) and MPEP 708.02, IV have been met, the petition is granted.

The application is being forwarded to the examiner for an action on the merits.

Linda J. Sholl
Special Program Examiner
Technology Center 3700
Phone: (571) 272-4391

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

Mail Date: 04/20/2010

Applicant	: Gang Yu	: DECISION ON REQUEST FOR
Patent Number	: 7612368	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/025,122	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **418** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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THE LAW OFFICES OF ANDREW D. FORTNEY, PH.D., P.C.
215 W FALLBROOK AVE SUITE 203
FRESNO CA 93711

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OCT 13 2009

OFFICE OF PETITIONS

In re Application of :
Lee :
Application No.: 11/025,123 :
Filed: December 28, 2004 : ON PETITION
Attorney Docket No.: OPP-GZ-2004-0068-US-00 :

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

The petition is **granted**.

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed January 16, 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 March 17, 2009. *See* MPEP 1215.04.

Applicant has submitted an Appeal Brief and the required $540.00 fee for its filing, an acceptable statement of the unintentional nature of the delay in filing the Appeal Brief, and the $1,620.00 petition fee.

After the mailing of this decision, the file will be forwarded to Technology Center AU 1795 for consideration of the Appeal Brief.

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

Shirene Willis Brantley

Shirene Willis Brantley
Petitions Attorney
Office of Petitions

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ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

Mail Date: 04/20/2010

Applicant	: Gregory W. Harper	: DECISION ON REQUEST FOR
Patent Number	: 7653574	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/025,149	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/30/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1337** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 04/21/2010

Applicant	: Jin-Tae Chung	: DECISION ON REQUEST FOR
Patent Number	: 7605944	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/025,151	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/30/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1330** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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OFFICE OF PETITIONS

In re Application of :
Kato et al. :
Application No. 11/025,155 : DECISION ON PETITION
Filed: December 30, 2004 :
Attorney Docket No. 2018-990 :

This is a decision on the petition, filed August 13, 2008 which is being treated as a petition under 37 CFR 1.181, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the non-final Office action of January 28, 2008, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before April 28, 2008.

Petitioner states that a timely reply was submitted on July 25, 2008 in response to the January 28, 2008 Office action. To support this assertion, petitioner has submitted a copy of a return postcard, which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on July 25, 2008 of, *inter alia,* amendment, claims and credit card payment form $1050. A copy of the previously submitted reply accompanies this petition.

A review of the record shows the originally submitted papers were received on July 25, 2008. It is noted a three month request for extension of time was included with the reply.

Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of January 28, 2008 is hereby withdrawn and the application restored to pending status.

This application is being referred to art unit 2836 for appropriate action in the normal course of business.

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

Charlema R. Grant
Petitions Attorney
Office of Petitions

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MORRIS MANNING & MARTIN LLP
1600 ATLANTA FINANCIAL CENTER
3343 PEACHTREE ROAD, NE
ATLANTA GA 30326-1044

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JUN 14 2005

OFFICE OF PETITIONS

In re Application of
Hua Huang et al.
Application No. 11/025,160
Filed: April 21, 2005
Attorney Docket No. 14963-47901
Title: METHOD FOR MANUFACTURING CARBON NANOTUBES WITH UNIFORM LENGTH

DECISION ON PETITION

This is a decision on the petition filed April 21, 2005.

On December 29, 2004, the above-identified application was deposited. On February 22, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Non-provisional Application - Filing Date Granted (notice)", advising applicant that Figures 3-6 appeared to have been omitted. The Notice set a two-month period for response.

On April 21, 2005, Petitioner submitted this petition, along with Figures 1-6 and payment of the petition fee. Based on the petition, it is clear that Petitioner accepts the date of deposit of the formerly omitted drawings as the filing date. Petitioner has indicated that the wrong drawings were included on filing.

The petition is **GRANTED**.

The Office of Initial Patent Examination will be notified of this decision so that the application can be accorded a **filing date of April 21, 2005**, the date of receipt of the formerly omitted items, Figures 3-6, using the original application papers filed

December 29, 2004, as well as figures 1-6 submitted with the petition on April 21, 2005. **OIPE will then mail a corrected filing receipt**.

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

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

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PCE INDUSTRY, INC.
ATT. Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY, CA 91789

Mail Date: 04/21/2010

Applicant	: Hua Huang	: DECISION ON REQUEST FOR
Patent Number	: 7611651	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/025,160	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/21/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1231** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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NORRIS MCLAUGHLIN & MARCUS, P.A.
721 ROUTE 202-206
P.O.BOX 5933
BRIDGEWATER NJ 08807-5933

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APR 12 2010

OFFICE OF PETITIONS

In re Application of	:	
James D. Ralph, et al.	:	
Application No. 11/025,213	:	DECISION ON PETITION
Filed: December 29, 2004	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 104084-002 US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 15, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the attorney of record certifying that he is in possession of evidence, and will retain such in the application file record, showing that the inventor is 65 years of age or more. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3773 for action on the merits commensurate with this decision.

Terri Johnson
Petitions Examiner
Office of Petitions

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Mailed: 9-18-06

In re application of	:	
Boisvert	:	DECISION ON
Serial No. 11/025,226	:	PETITION
Filed: December 12, 2004	:	
For: BETTER ICE SKATE BLADE	:	

This is a response to applicant's petition under 37 C.F.R. 1.102(d) on June 28, 2006.

37 CFR 1.102. Advancement of examination.

(a)Applications will not be advanced out of turn for examination or for further action except as provided by this part, or upon order of the Director to expedite the business of the Office, or upon filing of a request under paragraph (b) of this section or upon filing a petition under paragraphs (c) or (d) of this section with a showing which, in the opinion of the Director, will justify so advancing it.

(b)Applications wherein the inventions are deemed of peculiar importance to some branch of the public service and the head of some department of the Government requests immediate action for that reason, may be advanced for examination.

(c)A petition to make an application special may be filed without a fee if the basis for the petition is:

(1)The applicant's age or health; or

(2)That the invention will materially:

(i)Enhance the quality of the environment;

(ii)Contribute to the development or conservation of energy resources; or

(iii)Contribute to countering terrorism.

(d)A petition to make an application special on grounds other than those referred to in paragraph (c) of this section must be accompanied by the fee set forth in § 1.17(h).

An application may be granted special status provided that applicant complies with each of the following items:

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

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

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

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

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

DECISION

Applicant has not complied with the conditions set forth above. Applicant did not submit a statement that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. Applicant did not submit a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The Petition is **DENIED**.

Please note that effective August 25, 2006, the rules for a petition to make special have changed. Any resubmission by the applicant must comply with the new rules.

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accèlerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

William Krynski, SPRE
Technology Center 1700
Chemical and Materials Engineering

Marc Boisvert
621 Du Sauterne
Rosemere QC J7A 4S9
Canada

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/025,228	12/29/2004	Pernell James Dykes	ROC920040234US1	1501

37691 7590 05/01/2008

WOOD, HERRON & EVANS, L.L.P. (IBM)
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER	
CHEN, TE Y	

ART UNIT	PAPER NUMBER
2161	

NOTIFICATION DATE	DELIVERY MODE
05/01/2008	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptodock@whepatent.com
sstinebruner@whepatent.com
jvolk@whepatent.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Scott A. Stinebruner
WOOD, HERRON & EVANS, L.L.P. (IBM)
2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202

In re Application of:
Pernell James DYKES et al.
Application No. 11/025,228
Filed: December 29, 2004
For: FAMEWORK TO ALLOW ONE CMP EJB TO CONNECT TO MULTIPLE DATA SOURCES

DECISION ON PETITION UNDER 37 C.F.R. § 1.181

This is a decision on the petition, filed 02 November 2007 under 37 CFR § 1.181 to withdraw the Finality of Office Action mailed 29 October 2007.

The petition is **DISMISSED AS MOOT**.

A review of the application file indicates that a Notice of Appeal and an Appeal Brief were filed on 22 February 2008 and 22 April 2008, respectively. Further review of the Notice of Appeal indicates that applicant has elected to appeal the outstanding rejections of claims 1-13 as set forth in the Office Action of 29 October 2007 to the Board of Patent Appeals and Interferences.

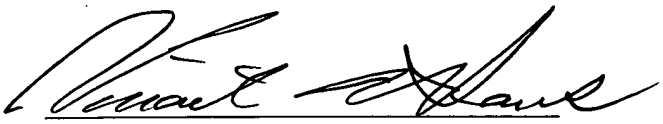
MPEP § 1204(I) states, in part:

> Under 37 CFR 41.31(a)(1), an applicant for a patent dissatisfied with the primary examiner's decision in the second rejection of his or her claims may appeal to the Board for review of the examiner's rejection by filing a notice of appeal and the required fee set forth in 37 CFR 41.20(b)(1) within the time period provided under 37 CFR 1.134 and 1.136 ...

Pursuant to MPEP § 1204(I), the Notice of Appeal filed 22 February 2008 and the Appeal Brief filed 22 April 2008 were entered. Thus, the Appeal Brief of 22 April 2008 is ready for the examiner to consider.

Accordingly, the petition is **DISMISSED AS MOOT.**

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



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

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UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

Mail Date: 04/21/2010

Applicant	: Jae Kyun Lee	: DECISION ON REQUEST FOR
Patent Number	: 7663583	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/025,247	: OF WYETH
Filed	: 12/28/2004	:
		:

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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VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

Mail Date: 04/21/2010

Applicant	: Eldad Zeira	: DECISION ON REQUEST FOR
Patent Number	: 7630688	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/025,252	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **969** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

Mail Date: 05/18/2010

Applicant : Eldad Zeira
Patent Number : 7630688
Issue Date : 12/08/2009
Application No: 11/025,252
Filed : 12/29/2004

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

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

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

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

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OFFICE OF PETITIONS

In re Application of :
Yong CAO et al. :
Application No. 11/025,265 : DECISION ON PETITION
Filed: December 29, 2004 :
Attorney Docket No. **UC0305USNA** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 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 March 31, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed December 31, 2008. Accordingly, the date of abandonment of this application is April 01, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1510 and the publication fee of $300, (2) the petition fee of $1620; and (3) a proper statement of unintentional delay. Accordingly, the Issue Fee payment 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.

The office has received a payment of $540 for the petition. The balance of $1080 will be charge to the deposit account 04-1928.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 15 2007

OFFICE OF PETITIONS

Carlos Nieves, Esq.
J. M. Huber Corporation
333 Thornall Street
Edison, NJ 08837-2220

In re Application of :
Shelby, et al. :
Application No.: 11/025,274 : ON PETITION
Filed: December 29, 2004 :
Attorney Docket No: 04-415 :

This is in response to the petition under 37 CFR 1.137(b) filed March 23, 2007.

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 application became abandoned for failure to file a timely and proper response to the final Office action mailed August 16, 2006, which set a shortened statutory period for reply of three months from its mailing date. No response was filed within the allowable period, and the application became abandoned on November 17, 2006.

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 pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a non-provisional 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 require additional information where there is a question whether the delay was unintentional; and

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

The instant petition does not satisfy the requirements of item (1) above.

As to item (1) above, Examiner Gennadiy Mesh has determined that the response filed March 23, 2007, does not place the application in condition for allowance. The petition must be dismissed because of the lack of a proper response to the final Office action mailed August 16, 2006. The renewed petition must accompanied by a proper response to the final Office action, which may include an amendment that places the application in condition for allowance. Questions regarding the determination of the sufficiency of the reply filed March 23, 2007, should be directed to Examiner Mesh.

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

By mail:

Mail Stop Petitions
Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

Telephone inquiries concerning this decision 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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J M HUBER CORPORATION
333 THORNALL STREET
PATENT DEPARTMENT
EDISON NJ 08837-2220

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JAN 22 2008

OFFICE OF PETITIONS

In re Application of

Shelby, et al.

Application No. 11/025,274

Filed: December 29, 2004

Attorney Docket No. 04-415

: DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed January 7, 2008, to revive the above-identified application.

The renewed petition is **GRANTED**.

This application became abandoned for failure to file a proper and timely response to the final Office action mailed August 16, 2006, which set a shortened statutory period for reply of three-months from its mailing date. A response was not received within the allowable period and the application became abandoned on November 17, 2006. A petition under 37 CFR 1.137(b) was first filed om March 23, 2007, and dismissed by a decision mailed August 15, 2007.

The Request for Continued Examination filed January 7, 2008, is noted.

The application file is being forwarded to Technology Center 1700, GAU 1796 for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

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JAN 3 1 2007

OFFICE OF PETITIONS

In re Application of :
Hennink et al. :
Application No. 11/025,296 : ON PETITION
Filed: December 28, 2004 :
Title: Biodegradable Hydrogels :

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed September 19, 2006.

The petition to withdraw the holding of abandonment is **Dismissed**.

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

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts mailed on February 17, 2005. The Notice to File Missing Parts set an extendable two (2) month period for reply. A five month request for extension of time was obtained under the provisions of 37 CFR §1.136(a). A reply was received on September 14, 2005. A Notice of Incomplete Reply was mailed September 27, 2005, the period of reply continued to run from the original Notice. Accordingly, this application became abandoned on September 18, 2005. A Notice of Abandonment was mailed on July 27, 2006.

Petitioner contends that the abandonment of the application should be withdrawn because the abstract which had not been included with the reply on September 14, 2005 was submitted on October 7, 2005. Petitioner states that he was informed by Mr. Williams that the abstract could be submitted via facsimile (703) 746-4060. Petitioner states although they followed through with Mr. Williams' instructions, the PTO did not receive the response.

Petitioner's argument has been considered but it is not convincing to establish the holding of abandonment should be withdrawn. A review of the record shows that the maximum extendable time period expired on September 18, 2005. So to the extent the abstract was submitted on October 7, 2005, the application was already abandoned.

Petitioner's reliance on alleged oral advice from Mr. Williams does not convince the Office that the holding of abandonment should be withdrawn. Pursuant to 37 CFR 1.2 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.

Further a delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (A) the applicant's reliance upon oral advice from USPTO employees; or (B) the USPTO's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action. See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985). Nor do the facts presented warrant the withdrawing the holding of abandonment.

Alternative Venue

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 C.F.R. § 1.137(b) must be accompanied by the required reply, the required petition fee, and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional.

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

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

By mail: Mail Stop Petition
Commissioner for Patents

P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300

By delivery service:
(FedEx, UPS, DHL, etc.)

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

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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LAURIE L. HILL
MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

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JUN 27 2007

OFFICE OF PETITIONS

In re Application of :
Wilhelimus Everhardus Hennink, et al. :
Application No. 11/025,296 : DECISION ON PETITION
Filed: December 28, 2004 :
Attorney Docket No. 313632000520 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 26, 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 Notice to File Missing Parts of Nonprovisional Application (Notice), mailed September 17, 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 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 18, 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 reply, (2) the petition fee of $1500; and (3) a proper statement of unintentional delay.

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

This application is being referred back to the Office of Initial Patent Examination for continuation of the pre-examination process.

Irvin Dingle
Petitions Examiner
Office of Petitions

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MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

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JUN 13 2008

OFFICE OF PETITIONS

In re Application of :
PATTERSON, Ryan C. et al. :
Application No. 11/025,319 : DECISION ON PETITION
Filed: December 29, 2004 : TO WITHDRAW
Attorney Docket No. **480062002900** : 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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P.O. Box 1450
Alexandria, VA 22313-1450
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MORRIS MANNING MARTIN LLP
3343 PEACHTREE ROAD, NE
1600 ATLANTA FINANCIAL CENTER
ATLANTA GA 30326

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OFFICE OF PETITIONS

In re Application of :
Chang, et al. :
Application No. 11/025,320 :
Filed: December 29, 2004 :
Attorney Docket No. 14963-47908 :

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed February 20, 2008, to withdraw the holding of abandonment.

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

The Office contended that the above-identified application became abandoned for failure to submit a reply to the April 18, 2007 non-final Office action, which set a three month extendable period for reply. No extensions of time or reply being received, the Office contended that this application became abandoned on July 19, 2007. A Notice of Abandonment was mailed on February 14, 2008.

Petitioners allege that the April 18, 2007 non-final Office action was not received.

The showing required to establish non-receipt of an Office communication must include:

1. A statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.
2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.[1]

Petitioners have submitted a copy of the docket record where the requirement would have been entered had the April 18, 2007 non-final Office action been received. In addition, practitioner

[1] See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

referenced the docket record in the petition and stated that a review of the application's file jacket and docket record for the April 18, 2007 non-final Office action was fruitless.

Petitioners have established non-receipt. The petition is **granted** and the holding of abandonment is withdrawn.

After the mailing of this decision, the application will be returned to Technology Center A.U. 2628 for re-mailing the April 18, 2007 non-final Office action. The period for reply will run from the new mail date of the non-final Office action.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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OFFICE OF PETITIONS

LAW OFFICES
WILLIAM FORSTER
P.O. BOX 2480
SHELTON, WA 98584

In re Application of :
McLeod : DECISION ON PETITION
Application No. 11/025,321 :
Filed: December 20, 2004 :
For: KNOCKDOWN PUMP CONTAINMENT :
ASSEMBLY APPARATUS AND METHOD :

The above-identified application has been forwarded to the Office of Petitions for consideration of the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed November 10, 2006.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **DISMISSED**.

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

This application became abandoned April 9, 2005 for failure to timely submit a proper reply to the Notice mailed February 8, 2005. The Notice set a two month statutory period of time for reply. Notice of Abandonment was mailed September 13, 2006.

Petitioner alleges non-receipt of the Notice mailed February 8, 2005.

In the absence of any irregularity in the mailing of the Notice, there is a strong presumption that the Notice was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket

record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in the statement. *See*, MPEP 711.03(c). The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

Office records indicate the Office communication was properly mailed to the correspondence address of record at the time of mailing. Accordingly, there was no irregularity in mailing the Office communication on the part of the United States Patent and Trademark Office.

The copies of the docketing records included with the instant petition are dated February 2006 through April 2006. The Notice was mailed February 8, 2005, making a response due on or before April 8, 2005, or, upon proper submission of a petition for extension of time, extendable to on or before September 8, 2005. As the docket records do not encompass this critical time period, it cannot be said that petitioner has established non-receipt of the Notice. Any renewed petition must include supporting documentation to establish non-receipt of the Notice.

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

By mail:	**Mail Stop Petition** Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By hand delivery:	U.S. Patent and Trademark Office Customer Window, **Mail Stop Petition** Randolph Building 401 Dulany Street Alexandria, VA 22314

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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APR 0 4 2007

OFFICE OF PETITIONS

LAW OFFICES
WILLIAM FORSTER
P.O. BOX 2480
SHELTON, WA 98584

In re Application of :
McLeod : DECISION ON PETITION
Application No. 11/025,321 :
Filed: December 20, 2004 :
For: KNOCKDOWN PUMP CONTAINMENT :
ASSEMBLY APPARATUS AND METHOD :

The above-identified application has been forwarded to the Office of Petitions for consideration of the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181 filed February 5, 2007.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **GRANTED**.

This application was held abandoned April 9, 2005 for failure to timely submit a proper reply to the Notice mailed February 8, 2005. The Notice set a two month statutory period of time for reply. Notice of Abandonment was mailed September 13, 2006.

Petitioner alleges non-receipt of the Notice mailed February 8, 2005.

In the absence of any irregularity in the mailing of the Notice, there is a strong presumption that the Notice was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in the statement. *See*, MPEP 711.03(c). The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

Office records indicate the Office communication was properly mailed to the correspondence address of record at the time of mailing. Accordingly, there was no irregularity in mailing the Office communication on the part of the United States Patent and Trademark Office.

The arguments and supporting documentation presented have been carefully considered and support the conclusion that the non-final Office was not received.

In view thereof the Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

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

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CHRISTOPHER C. WINSLADE
MCANDREWS, HELD & MALLOY, LTD.
34th Floor
500 West Madison St.
Chicago, IL 60661

Mail Date: 05/10/2010

Applicant	: Jason Herrick	: DECISION ON REQUEST FOR
Patent Number	: 7653135	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/025,327	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1420** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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OCT 13 2006

OFFICE OF PETITIONS

DUNLAP, CODDING & ROGERS P.C.
PO BOX 16370
OKLAHOMA CITY, OK 73113

In re Application of
Jack Vloedman, et al.
Application No. 11/025,328
Filed: December 29, 2004
Attorney Docket No. 2244.004

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed June 28, 2006.

The petition is **GRANTED**.

The application became abandoned for failure to pay the issue fee on or before May 1, 2006. A Notice of Abandonment was mailed on June 22, 2006. In response, on June 28, 2006, the present petition was filed, along with the requisite issue/publication fee. It is noted that Issue Fee Transmittal includes an assertion of small entity status.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the requisite issue/publication fee; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay.

Status has been changed to a small entity.

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

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JUN 13 2007

OFFICE OF PETITIONS

In re Application of :
ALLON Dudley BRENT, et al :
Application No. 11/025,339 : DECISION ON PETITION
Filed: December 29, 2004 : TO WITHDRAW
Attorney Docket No. 062635.0153 : 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 10, 2006.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney given to Baker Boots L.L.P. has been revoked by the assignee of the patent application on March 1, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

April Wise
Petitions Examiner
Office of Petitions

cc: GREG NOONAN
FREEHILLS PATENT & TRADEMARK
ATTORNEYS
LEVEL 43, 101 COLLINS STREET
MELBOURNE, VICTORIA 3000
AUSTRALIA

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
11/025,339	12/29/2004	Allon Dudley Brent	A35864 PCT USA-I

CONFIRMATION NO. 4167

21003
BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK, NY 10112-4498

OC000000024031511

Date Mailed: 05/24/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/01/2007.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Diane Goodwyn

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 04/21/2010

Applicant	: Allon Dudley Brent	: DECISION ON REQUEST FOR
Patent Number	: 7615098	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/025,339	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **373** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MAIL

SEP 0 2 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO CA 94303

In re Application of
Brian Chaput
Application No. 11/025,341
Filed: December 28, 2004

For: **SYSTEMS AND METHODS FOR OPTICAL PUMP REDUNDANCY**

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the request for withdrawal as agent of record filed on July 25, 2005.

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

Petitioner has met all of the above. Accordingly, the request is **GRANTED**.

Agent Eugene G. Kim (22830) listed in the Request to withdraw is withdrawn.

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

The file is being returned to TC 2600 Technical Support Staff.

Kenneth Wieder
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4701

cc:

Sofia Zaslavsky
Sanmina-SCI Corporation
2700 North First Street, Bldg 1
San Jose, CA 95134

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PERKINS COLE LLP
P.O. BOX 1208
SEATTLE WA 98111-1208

MAILED

FEB 04 2010

OFFICE OF PETITIONS

In re Application of	:	
Brian Chaput	:	
Application No. 11/025,341	:	ON PETITION
Filed: December 28, 2004	:	
Attorney Docket No. 58689-8002.US01	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 14, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

This application has not become abandoned for failure to file a reply brief timely. A filing of a reply brief is not required in the application. The provisions of 37 CFR 41.41 allows an appellant the option to file a reply brief after an examiner's answer but it must be filed within 2 months of the mailing of the examiner's answer or be accompanied by a grantable request of extension of time under 37 CFR 1.136(b). In the above identified application, the reply brief was filed after the 2 month period expired and there is no request for extension of time under 37 CFR 1.136(b). Therefore the application is not abandoned and filing of the petition under 37 CFR 1.137(b) is unnecessary.

The $1,620 petition fee will credited back to your deposit account.

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

The application is being forwarded to the examiner for decision on the entry of the concurrently filed reply brief.

Terri Johnson
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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CARLSON, GASKEY & OLDS, P.C./Alcatel-Lucent
400 W MAPLE RD
SUITE 350
BIRMINGHAM, MI 48009

Mail Date: 04/21/2010

Applicant	: Sumit Ganguly	: DECISION ON REQUEST FOR
Patent Number	: 7596544	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/025,355	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **832** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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CARLSON, GASKEY & OLDS, P.C./Alcatel-Lucent
400 W MAPLE RD
SUITE 350
BIRMINGHAM, MI 48009

Mail Date: 04/21/2010

Applicant	: Sumit Ganguly	: DECISION ON REQUEST FOR
Patent Number	: 7596544	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/025,355	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **832** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

MAILED

FEB 10 2009

OFFICE OF PETITIONS

In re Application of :
Kagan, et al. :
Application No. 11/025,364 : DECISION ON PETITION
Filed: December 29, 2004 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. VALTX.001CP1 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed September 19, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional applications set forth in the concurrently filed supplemental ADS.

The petition is **GRANTED.**

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

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The 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 applications as required by 37 CFR 1.78(a)(5)(ii). Further, a nonprovisional application claiming the benefit of the prior-filed provisional applications must have been filed within twelve months of the filing date of the prior-filed provisional applications.

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

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed 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. §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 applicants are 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 provisional applications, 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.

The application is being forwarded to Technology Center AU 3773 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional applications.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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
11/025,364	12/29/2004	3773	1215	VALTX.001CP1	6	2

CONFIRMATION NO. 6500

CORRECTED FILING RECEIPT

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Date Mailed: 02/05/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Jonathan Kagan, Hopkins, MN;
Mitchell Dann, Wilson, WY;
Greg Fluet, Jackson, WY;
Sayeed Ikramuddin, Minneapolis, MN;
Paul Swain, London, UNITED KINGDOM;
Richard Thomas, Belmont, MA;
Gerard von Hoffmann, Trabuco Canyon, CA;
Mary Lynn Wilmore, Victor, ID;

Power of Attorney: The patent practitioners associated with Customer Number 20995

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/534,056 12/31/2003
and claims benefit of 60/569,442 05/07/2004
and claims benefit of 60/613,917 09/27/2004
and is a CIP of 10/698,148 10/31/2003
which claims benefit of 60/422,987 11/01/2002
and claims benefit of 60/428,483 11/22/2002
and claims benefit of 60/430,857 12/03/2002
and claims benefit of 60/437,513 12/30/2002
and claims benefit of 60/448,817 02/21/2003
and claims benefit of 60/480,485 06/21/2003

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 **US 11/025,364**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****
Title

Devices and methods for treating morbid obesity

Preliminary Class

606

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

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JUN 0 2 2009

OFFICE OF PETITIONS

In re Application of :
Mark Zdeblick :
Application No. 11/025,366 : DECISION ON PETITION
Filed: December 28, 2004 : TO WITHDRAW
Attorney Docket No. 021308-000280US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 7, 2006.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to James M. Heslin and all attorneys/agents of record has been revoked by the assignee of the patent application on May 15, 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: Proteus Biomedical, Inc.
Bozicevic, Field & Francis, LLP
1900 University Avenue, Suite 200
East Palo Alto, CA 94303

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SAP/BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 08/02/2010

Applicant	: Frank Kilian	: DECISION ON REQUEST FOR
Patent Number	: 7672949	: RECALCULATION of PATENT
Issue Date	: 03/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/025,378	: OF WYETH
Filed	: 12/28/2004	:
		:

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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RICHARD C. CALDERWOOD
2775 NW 126TH AVE
PORTLAND, OR 97229-8381

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NOV 1 2 2008

OFFICE OF PETITIONS

In re Application of Laraia :
Application No. 11/025,412 : Decision on Petition
Filing Date: December 29, 2004 :
Attorney Docket No. ICON003 :

This is a decision on the petition under 37 CFR 1.137(a), filed July 21, 2008, and the petition filed in the alternative under 37 CFR 1.137(b).

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

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

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 12, 2007, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on March 13, 2008. A Notice of Abandonment was mailed on June 26, 2008.

The petition under 37 CFR 1.137(a):

The merits of a petition under 37 CFR 1.137(a) will not be considered absent payment of the required petition fee. The Office failed to receive the petition fee of $255. Therefore, the petition is dismissed.

The petition under 37 CFR 1.137(b):

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) the reply required to the outstanding Office action or notice, unless previously filed,
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Petitioner has submitted a reply to the non-final Office action in the form of an amendment. Petitioner has supplied the required petition fee of $770. Petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

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

Technology Center Art Unit 2621 will be informed of the instant decision and the application, including the amendment filed July 21, 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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500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

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MAY 23 2005

OFFICE OF PETITIONS

In re Application of :
Brownhill et al. :
Application No. 11/025,413 : DECISION DISMISSING PETITION
Filed: 22 December, 2004 :
Atty Dckt No. 15902US02 :

This is a decision in reference to the petition filed on 19 April, 2005, under 37 CFR 1.10(d).

The petition is **DISMISSED**.

Petitioners assert that a provisional application, to which the present application claims benefit, was deposited in Express Mail Service on 23 July, 2004, but was incorrectly given a filing date of 24 July, 2004, because the USPS did not enter the correct "date-in" on the Express Mail label.

37 CFR 1.4(b) states:

> Since each file must be complete in itself, a separate copy of every paper to be filed in a patent, patent file, or other proceeding must be furnished for each file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical.

As such, since this petition pertains to the filing date of the provisional application, No. 60/590,866, the petition must be filed in that application.

Since petitioners do not dispute the filing date assigned to the present application, the petition is **dismissed** as inappropriate.

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

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APR 14 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

Boris Tankhilevich
Ste A
536 N Circle Dr
Walnut Creek CA 94597

In re Application of:
WILLMS, PAUL H., et al.
Application No. 11/025,447
Filed: December 27, 2004
For: **ACTIVE THREAT DETECTION AND ELIMINATION WHILE IN TRANSIT**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the Petition To Make Special under MPEP 708.02, XI: Invention for Countering Terrorism, filed March 21, 2005.

A grantable petition to make an application special under 37 C.F.R. § 1.102(d), and in accordance with MPEP 708.02, XI, for an invention which contributes to the countering of terrorism must be accompanied by a statement explaining how the invention contributes to countering terrorism. Examples of the types of technology for countering terrorism are set forth in MPEP 708.02, XI as including, but not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems.

The petition meets the requirements set forth above.

Accordingly, the petition is **GRANTED**.

The application file is being forwarded to the examiner for expedited action in its turn.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : February 16, 2010

TO SPE OF : ART UNIT 3672

SUBJECT : Request for Certificate of Correction for Appl. No.: 11025453 Patent No.: 7278490

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 – 9D40-C
Palm Location 7580

Certificates of Correction Branch

703-756-1573

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 BAGNELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Acting SPE

SPE **Art Unit** 3676

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Paper No. 9

ROSS PRODUCTS DIVISION OF
ABBOTT LABORATORIES
DEPARTMENT 108140-DS/1
625 CLEVELAND AVENUE
COLUMBUS, OH 43215-1724

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JAN 25 2006

OFFICE OF PETITIONS

In re Application of :
Jeffrey H. Baxter et al :
Application No. 11/025,466 : ON PETITION
Filed: December 29, 2004 :
Attorney Docket No. 7357USP1 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 14, 2005, 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)." Petitioner is advised that this is **not** a final agency action decision.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed February 17, 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 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 18, 2005.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks item (**1**) above.

As to item (1), the USPTO acknowledges the timely receipt of a partial reply on November 14, 2005. However, the Notice mailed February 17, 2005, additionally required the submission of substitute drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 because the "drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) 10-10." Therefore, timely compliance with this requirement must have been made in order to avoid the abandonment of the application.

There is no indication that petitioner submitted substitute drawings as required by the February 17, 2005 Notice within the maximum extendable period for reply. Thus the petition is dismissed.

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

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

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

By fax: (571) 273-8300

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

Wan Laymon
Petitions Examiner
Office of Petitions

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P.O. Box 1450
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DEPARTMENT 108140-DS/1
625 CLEVELAND AVENUE
COLUMBUS OH 43215-1724

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JAN 1 0 2007

OFFICE OF PETITIONS

In re Application of :
BAXTER, et al. :
Application No. 11/025,466 : DECISION ON PETITION
Filed: December 29, 2004 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 7357USP1 :

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed February 17, 2005. The Notice sets a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 18, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a signed declaration and replacement drawings as set forth in the Notice; (2) the petition fee of $1,500; and (3) the required statement of unintentional delay have been received.

Accordingly, the response to the Notice to File Missing Parts of Nonprovisional Application is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Amelia Au at (571) 272-7414.

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

Amelia Au
Petitions Examiner
Office of Petitions

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

Mail Date: 06/04/2010

Applicant	: Todd P. Beach	: DECISION ON REQUEST FOR
Patent Number	: 7628707	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/025,469	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/28/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **197** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

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JUL 09 2007

OFFICE OF PETITIONS

In re Application of :
Yue, et al. :
Application No. 11/025,474 : ON PETITION
Filed: December 29, 2004 :
Attorney Docket No. TI-38266 (0025.0118) :
For: METHOD FOR IMPLANTER ANGLE VERIFICATION AND CALIBRATION

This is a decision on the petition, filed February 2, 2007, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the May 5, 2006 non-final Office action. No response being received and no proper extensions of time being obtained, this application became abandoned on August 6, 2006. A Notice of Abandonment was mailed on December 12, 2006.

Applicants have submitted an amendment in reply to the May 5, 2006 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the May 5, 2006 non-final Office action, and the $1,500.00 petition fee.

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. Further, the statement of unintentional delay does not comply with the provisions of 37 CFR 1.137(b)(3). Nevertheless, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition to pursuant to 37 CFR 1.137(b), was unintentional." If this is an incorrect interpretation in view of the new rules, practitioner is required to provide a statement to that effect. 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.

All requirements under 37 CFR 1.137(b) being met, the petition is granted.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $1,020.00 extension of time submitted with the petition on February 2, 2007 was filed subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited to petitioners' deposit account.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a 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.

After the mailing of this decision the application will be forwarded to Technology Center AU 2881 for consideration of the amendment filed on December 21, 2005 (certificate of mailing date December 19, 2005).

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

CC: ANDERSON I. CHEN
MH2 TECHNOLOGY LAW GROUP
1951 KIDWELL DRIVE, SUITE 550
TYSONS CORNER VA 22182

UNITED STATES PATENT AND TRADEMARK OFFICE

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November 14, 2007

David Schnapf
TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834

Patent No.: 7,279,039 B2
Application No.: 11/025,481
Inventor(s): James J. Schwab, et al.
Issued: October 9, 2007
Title: **METHOD AND APPARATUS FOR CONTROLLING POLLUTION FROM A CEMENT PLANT**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid,* including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-0025 ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Virginia Tolbert
For Mary Diggs, Supervisor
Decisions & Certificate of Correction Branch
(703) 305-8309 or (703) **308-9390 ext 113**

vt

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TECHNOLOGY CENTER 2600

BRIAN ROFFE, ESQ.
11 SUNRISE PLAZA SUITE 303
VALLEY STREAM, NEW YORK 11580-6111

In re Application of :
David S. Breed :
Application No. 11/025,501 : DECISION ON PETITION
Filed: January 3, 2005 : TO MAKE SPECIAL
For: **METHOD AND ARRANGEMENT FOR OBTAINING INFORMATION ABOUT VEHICLE OCCUPANTS** :

This is a decision on the petition to make special pursuant to 37 C.F.R. §1.102 and MPEP §708.02 (IV) (applicant's age) filed April 11, 2005.

A petition to make special under MPEP §708.02, IV, must show that petitioner is 65 years of age, or more. Acceptable evidence includes a birth certificate, copy of a driver's license, or simply a statement by the applicant. No fee is required.

The petition includes a statement executed by Mr. David S. Breed attesting to his age which is sufficient evidence in accordance with MPEP 708.02, IV.

Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant.

The application is being forwarded to the examiner for expedited prosecution.

Kenneth Wieder
Special Program Examiner
Technology Center 2600
Communications
(571) 272-2986

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AUG 29 2007

OFFICE OF PETITIONS

Morrison & Foerster LLP
Suite 300
1650 Tysons Blvd.
McLean, VA 22102

In re Application of
Xing Su et al.
Application No. 11/025,502
Filed: December 28, 2004
Attorney Docket No. 21058/0206804-US0

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 6, 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 May 15, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

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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CORNING CABLE SYSTEMS LLC
P O BOX 489
HICKORY NC 28603

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NOV 0 9 2006

OFFICE OF PETITIONS

In re Application of
Elkins et al.
Application No. 11/025,507
Filed: December 29, 2004
Attorney Docket Number: HE0259
Title of Invention: Distribution Cable Having Overmolded Mid-Span Access Location with Preferential Bending

ON PETITION

This is a decision on the petition filed September 6, 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 21, 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 22, 2006. A Notice of Abandonment was mailed on August 25, 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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BRYAN CAVE LLP
1290 Avenue of the Americas
New York NY 10104-3300

In re Application of	:
Sauer et al.	:
Serial No.: 11/025,511	: PETITION DECISION
Filed: December 29, 2004	:
Attorney Docket No.: **098737**	:

This is a decision on the PETITION FOR ACCEPTANCE OF COLOR DRAWINGS UNDER 37 CFR 1.84(a)(2). The petition was filed December 29, 2004. Entry of color drawings requires: 1) three sets of the color drawings, 2) a proper amendment to the specification indicating color photographs or drawings are present in the file, and 3) the required fee of $130.00 under 37 CFR 1.17(h).

A review of the application record indicates that the petition meets all of the requirements for acceptance of color drawings. This is not to be construed that all of the drawings are accepted, only that the color drawings are acceptable.

The petition is **GRANTED**.

Should there be any questions with respect to this decision, please contact Marianne C. Seidel, by mail addressed to: Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0584or by facsimile transmission at 571-273-8300.

Marianne C. Seidel
Quality Assurance Specialist/Program Manager
Technology Center 1600

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MAY 22 2007

TECHNOLOGY CENTER 2100

HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
RIVERFRONT PLAZA, EAST TOWER
951 EAST BYRD ST.
RICHMOND VA 23219-4074

In re Application of: ALASIA
Application No. 11/025,531
Filed: December 29, 2004
For: DIGITAL ANTI-COUNTERFEITING SOFTWARE METHOD AND APPARATUS

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a response to the petition filed July 5, 2005 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **DISMISSED**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in **37 CFR 1.17(h)**;

(b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;

(c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;

(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) **Submits a detailed discussion of the references**, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

In those instances where the request for this special status does not meet all the prerequisites set forth above, **applicant will be notified and the defects in the request will be stated.** The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Technology Center (TC) Special Program Examiner.

The petition filed July 5, 2005 fails to adequately meet requirement (e) of the criteria set forth above.

The discussion of the references does not point out with the particularity required by 37 CFR 1.111(b) and (c) how the claimed subject matter is patentable over the references. The discussion fails to specifically point out how the language of **each** of independent **claims** 1, 9, 16, and 23 patentably distinguishes them from **each** of the **references**. Reference is made to the Petitioner's statement that the references provided in requirement (d) above do not disclose the features of "resizing the input image segments into output image segments whose dimensions are a function of the input segment width dimension and a scrambling factor", "forming an encoded output image from the output image segments so that the input image can be discerned by viewing the printed encoded output image through a lenticular lens having the decoder lens frequency", and "dividing the first digitized input image into a number of elemental input image segments each having an input segment length dimension and a common input segment width dimension sized so that the number of input image segments per inch is equal to or a multiple of a decoder lens frequency". It is noted that none of the independent claims (i.e. 1, 9, 16, and 23) appear to include all of the above identified claim language; especially, the language of claim 23 does not appear to include any of the aforementioned features.

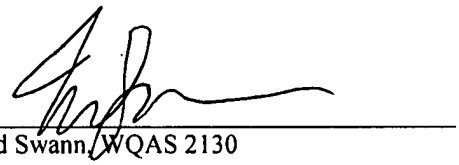
Petitioner should ensure that the above discussion is directed to how the language of **each of** the independent claims is **specifically** distinguishable and patentable from each of the references provided in requirement (d) above. The identification must be accurate and consistent with the language set forth in the (independent) claims of the instant application. It is suggested that the discussion of each reference be amended to address the concerns set forth in the immediately preceding paragraph.

Petition to Make Special **DISMISSED**.

Petitioner is given one opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the mail date of this decision.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612.



Tod Swann, WQAS 2130
Technology Center 2100
Computer Architecture, Software and Information Security

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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
RIVERFRONT PLAZA, EAST TOWER
951 EAST BYRD ST.
RICHMOND VA 23219-4074

In re Application of: ALASIA
Application No. 11/025,531
Filed: December 29, 2004
For: DIGITAL ANTI-COUNTERFEITING SOFTWARE METHOD AND APPARATUS

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a response to the refilled petition received July 17, 2007, which was originally filed July 5, 2005 and dismissed on May 22, 2007 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **Granted**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);

(b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;

(c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;

(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

In those instances where the request for this special status does not meet all the prerequisites set forth above, applicant will be notified and the defects in the request will be stated. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Technology Center (TC) Special Program Examiner.

The original petition filed July 5, 2005 failed to adequately meet requirement (e) of the criteria set forth above.

The refilled petition corrects these deficiencies.

Petition to Make Special is **GRANTED** since all of the requirements for special status under MPEP § 708.02(VIII) are now met via the refilled petition.

The application file is being forwarded to the Examiner for accelerated examination in accordance with M.P.E.P. §708.02, Section VIII. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. §1309.

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612. A second point of contact is QAS Kim Huynh whose number is (571) 272-4147

/Tod Swann/
Tod Swann, WQAS 2430
Technology Center 2400

DECISION ON PETITION ROUTING SLIP

Application No.: 11025531

Art Unit: 2131

For Director's Secretary:

☑ **Granted** ☐ **Denied** ☐ **Dismissed**

- ☐ Decision to be reviewed and signed by Director
- ☑ Mail Decision & ~~enter decision in Petition Database~~
- ☑ Forward a copy of the mailed decision to IFW for scanning
- ☑ Enter Paper Nos [ ] and the decision in PALM
- ☐ Other [ ]

For TECH Support Staff:

- ☐ Process and enter Paper Nos. [ ]
- ☐ Charge [ ] fee to D.A. No [ ]
- ☐ Other [ ]
- ☐ Forward file to [ ]

Quality Assurance Specialist No. 1:	Quality Assurance Specialist No. 2:	Quality Assurance Specialist No. 3:	Quality Assurance Specialist No. 4:
Vincent Trans WQAS 2160 RND-4B07 (571) 272-3613	Brian Johnson, WQAS 2110, RND 4A01 (571) 272- 3595	Pat Salce, WQAS 2170, RND- 4B09, (571) 272-3610	Tod Swann

Quality Assurance Specialist No. 5:	Quality Assurance Specialist No. 6:	Quality Assurance Specialist No. 7:	Quality Assurance Specialist No. 8:
Gail Hayes	Kakali Chaki WQAS 2120, RND 5A05 (571)272- 3719	John Follansbee	Mano Padmanabhan WQAS 2180, RND 2A79 (571) 272-4210

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/025,531	12/29/2004	Alfred V. Alasia	62770.000139	6683

27682 7590 11/04/2008

HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
RIVERFRONT PLAZA, EAST TOWER
951 EAST BYRD ST.
RICHMOND, VA 23219-4074

EXAMINER	
WRIGHT, BRYAN F	

ART UNIT	PAPER NUMBER
2431	

MAIL DATE	DELIVERY MODE
11/04/2008	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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/025,545	12/28/2004	Rick Graves	200407255-1	6698

7590 04/15/2008

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER	
CHONG CRUZ, NADJA N	

ART UNIT	PAPER NUMBER
4143	

NOTIFICATION DATE	DELIVERY MODE
04/15/2008	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: 04/14/2008 DTERRY 11025545
02/05/2007 HDEMESS1 00000057 082025
04 FC:1202 50.00 CR
50.00 CR

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Weaver Austin Villeneuve & Sampson LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

Mail Date: 04/20/2010

Applicant	: Jon A. Nichols	: DECISION ON REQUEST FOR
Patent Number	: 7575723	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/025,546	: OF WYETH
Filed	: 12/28/2004	:
		:

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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Bausch & Lomb Incorporated
One Bausch & Lomb Place
Rochester NY 14604-2701

12/19/08

In re Application of:
PYNSON, JOEL et al
Serial No. 11/025,555
Filed: Dec. 29, 2004
Docket: PO3703
Title: PRELOADED IOL INJECTOR AND METHOD

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the petition filed Nov. 24, 2008 under 37 CFR 1.181 requesting a complete Office action of the correct claims because the Office action mailed on Feb. 27, 2008 failed to examined the original claims 1-12 as filed on Dec. 29, 2004.

The petition is **granted.**

In finding petitioner's points of argument persuasive, the requested relief is granted. The last Office action mailed Feb. 27, 2008 is hereby withdrawn. The amendments filed on Jun. 26, 2008 and Nov. 24, 2008 are treated as Preliminary Amendments and have been entered. The examiner has been requested to issue a new Office action to treat the newly added claims 15-21 as filed on Nov. 24, 2008. Claims 1-14 have been cancelled by the Preliminary Amendments of Jun. 26, 2008 and Nov. 24, 2008.

Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.

Donald T. Hajec, Director
Technology Center 3700

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/025,603	12/30/2004	Bob Streefkerk	081468-0310675

PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN VA 22102

DATE MAILED: September 25, 2006

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) filed on September 15, 2006, 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.

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Kaletus King
Pre-Grant Publication Division

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PATTON BOGGS, L.L.P.
2001 ROSS AVENUE, SUITE 3000
DALLAS TX 75201

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MAR 0 2 2005

OFFICE OF PETITIONS

In re Application of :
Becerra and Randel :
Application No. 11/025,631 : DECISION ACCORDING STATUS
Filed: December 29, 2004 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 021749.0109PTUS:

This is in response to the petition under 37 CFR 1.47(a), filed December 29, 2004.

The petition is granted.

Petitioner has shown that Markus Randel, 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 Gary B. Solomon establishes that the inventor was mailed the application papers, including the specification, claims and drawings, but failed to respond to the request that he sign the declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the present petition. Notice of the filing of this application will also be published in the Official Gazette.

The Office finance records indicate that petitioner submitted a $130.00 fee for the present petition on December 29, 2004. The fee for a petition under 37 CFR 1.47(a) is $400.00. Therefore,

the difference of $270.00 will be charged to Deposit Account No. 50-2816.

This matter is being referred to Technology Center Art Unit 3736.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Markus Randel
111 Holly Trace Lane
Ball Ground, GA 30107

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OFFICE OF PETITIONS

In re Application of :
Becerra and Randel :
Application No. 11/025,631 : LETTER
Filed: December 29, 2004 :
Attorney Docket No. 021749.0109PTUS :

Dear Mr. Randel:

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

PATTON BOGGS, L.L.P.
2001 ROSS AVENUE, SUITE 3000
DALLAS TX 75201

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2001 ROSS AVENUE
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DALLAS, TX 75201

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OFFICE OF PETITIONS

In re Application of :
Carlos Becerra, et al. :
Application No. 11/025,631 : DECISION ON PETITION
Filed: December 29, 2004 : TO WITHDRAW
Attorney Docket No. 021749.0109PTUS : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed July 6, 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 Gerald T. Welch on behalf of all attorneys of record who are associated with customer No. 44124.

All attorneys/agents associated with the Customer Number 44124 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: CARLOS BECERRA
940 EDGEWATER COURT
ATLANTA, GA 30238

cc: RICHARD K. O'DONNELL
NORTH AMERICAN MEDICAL CORPORATION
1649 SANDS PLACE SE
SUITE A
MARIETTA, GA 33067

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
11/025,631	12/29/2004	Carlos Becerra	021749.0109PTUS

CONFIRMATION NO. 3082

44124
PATTON BOGGS, L.L.P.
2001 ROSS AVENUE, SUITE 3000
DALLAS, TX 75201

POWER OF ATTORNEY NOTICE

OC000000026742046

Date Mailed: 11/14/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/06/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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FRANK A. SMITH
GENERAL ELECTRIC CO.
ONE PLASTICS AVE.
PITTSFIELD MA 01201

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APR 2 1 2006

OFFICE OF PETITIONS

In re Application of :
Gary C. Davis et al :
Application No. 11/025,635 : ON PETITION
Filed: December 29, 2004 :
Attorney Docket No. 152943-1 :

This is a decision on the petition, filed April 18, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 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]

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

The examiner of Technology Center AU 1711 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

cc:
CANTOR COLBURN LLP
55 GRIFFIN ROAD SMITH
BLOOMFIELD, CONNECTICUT 06002

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	: Karyn C. Schroeder	: DECISION ON REQUEST FOR
Patent Number	: 7642395	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/025,643	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/28/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **287** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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ERIC J. KNUTSON
5815 GRANITE HILLS DRIVE
GRANITE BAY CA 95746

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SEP 18 2009

OFFICE OF PETITIONS

In re Application of :
Knutson :
Application No. 11/025,649 : DECISION
Filed: 24 December, 2004 :
Attorney Docket No. (None) :

This is a decision on the petition filed on 1 June, 2009, for revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b).

The petition under 37 C.F.R. §1.137(b) is **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 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.137(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 due here.)

Petitioner does not appear to have satisfied the reply requirement under the rule. This deficiency must be overcome.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the final Office action mailed on 7 July, 2008, with reply due under absent an extension of time on or before 7 October, 2008.

On 9 September, 2008, Petitioner filed an amendment after final, which the Examiner refused to enter and Petitioner—as one familiar with 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 6 October, 2008, the Examiner mailed an Advisory Action.

The application went abandoned by operation of law after midnight 7 October, 2008.

On 28 October, 2008, Petitioner again filed an amendment after final, which the Examiner refused to enter and Petitioner—as one familiar with practice before the Office—knew was not as of right and not a proper reply if it did not *prima facie* place the application in condition for allowance, and on 25 November, 2008, the Examiner mailed an Advisory Action.
, 2008.

The Office mailed the Notice of Abandonment on 20 May, 2009.

On 1 June, 2009, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, with a statement of unintentional delay and a reply in the form of an amendment. Once again, Petitioner is aware that an amendment-after-final is not a proper reply if it did not *prima facie* place the application in condition for allowance, and the Examiner has refused to enter the amendment. Petitioner must submit a proper reply (such as a Notice of Appeal with fee or a request for continued examination (RCE) and fee and a submission under the provisions of 37 C.F.R. §1.114) with the petition.

Petitioner has now submitted three successive improper replies—two after abandonment. Petitioner is cautioned that a continued failure to submit a proper reply may be considered as a form of intentional delay.

Again, Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts

[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).)

of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[3] The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[4]))

As to Allegations of Unintentional Delay

As indicated above, the requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a proper reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

As discussed above, it does not appear that Petitioner has satisfied the reply requirement under the rule.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.137(b) is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:

---

[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[3] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[4] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

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 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 Petitioners 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.

Gillon, John

From: Wilson, John
Sent: Wednesday, September 16, 2009 9:07 AM
To: Gillon, John
Subject: RE: 11/025,649

No, it would not be entered.
"a custom tray material sealingly connected to said tray", claims 40 and 42, would require further search and/or consideration.

John Wilson
Art Unit 3732

From: Gillon, John
Sent: Tuesday, September 15, 2009 3:49 PM
To: Wilson, John
Subject: 11/025,649
Importance: High

Examiner Wilson,

A petition has been filed, but with an after-final and without an RCE/fee.

Before mailing the decision I must ask you to say whether you will enter the after-final or not.

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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

Mail Date: 04/21/2010

Applicant	: M. Samy Abdou	: DECISION ON REQUEST FOR
Patent Number	: 7635366	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/025,659	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/28/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **368** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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NUTTER MCCLENNEN & FISH LLP
SEAPORT WEST
155 SEAPORT BOULEVARD
BOSTON, MA 02210-2604

Mail Date: 04/23/2010

Applicant	: Stephen F. Wilson	: DECISION ON REQUEST FOR
Patent Number	: 7585280	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/025,683	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **73** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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FEB 12 2010

In re Application of	:	
Masoud Molaei et al	:	
Application No. 11/025,684	:	DECISION GRANTING PETITION
Filed: December 29, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 10527-0621001	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 9, 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 January 21, 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 3738 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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BOZICEVIC, FIELD & FRANCIS
LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO CA 94303

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DEC 17 2008

OFFICE OF PETITIONS

In re Patent No. 7,418,285	:	DECISION ON REQUEST
Ghesquiere et al.	:	FOR RECONSIDERATION OF
Issue Date: August 26, 2008	:	PATENT TERM ADJUSTMENT
Application No. 11/025,691	:	and
Filed: December 29, 2004	:	NOTICE OF INTENT TO ISSUE
Attorney Docket No. ADC1-080	:	CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST UNDER 37 CFR § 1.705(d) FOR RECONSIDERATION FOR PATENT TERM ADJUSTMENT," filed October 24, 2008. Patentee requests that the patent term adjustment indicated in the patent be corrected from five hundred twenty-six (526) days to five hundred fifty-five (555)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 five hundred fifty-five **(555)** days.

On August 26, 2008, the above-identified application matured into U.S. Patent No. 7,418,285. The instant request for reconsideration filed October 24, 2008 was timely filed within 2 months of the date the patent issued. See § 1.705(d). The Patent issued with a revised Patent Term Adjustment of 526 days.

Patentee disputes the reduction of 29 days due to "Workflow-Drawings finished" as the proper reduction of eleven (11) days was taken (July 18, 2008- July 28, 2008).

Patentee's argument has been considered and found persuasive. A review of the PALM calculations for this application reveals that the initial determination of PTA of 566 days was reduced, pursuant to 37 CFR 1.704(c)(10), by 11 days for applicants' submission of a 312 amendment after the mailing of the notice of allowance and by 29 days for applicants' submission of drawings after the mailing of the notice of allowance.

37 CFR § 1.704(c)(10) provides that:

> 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;

In this instance, after the mailing of the Notice of Allowance on May 22, 2008, on July 18, 2008, applicants filed an amendment to the drawings, which included 4 sheets of replacement drawings. Further, on July 28, 2008, the Office mailed an action in response to the amendment. It is undisputed that this was a failure to engage within the meaning of 37 CFR 1.704(c)(10) for which a period of reduction of 11 days was properly entered. However, the Office erred in entering an additional 29 day reduction for the filing of drawings on July 18, 2008. As the drawings were filed as a part of the amendment to which the examiner responded on July 28, 2008, the filing of drawings did not constitute a separate applicant delay for which an additional period of reduction of 29 days was warranted. The period of reduction of 29 days is being removed.

In view thereof, the patent term adjustment indicated in the patent should have been five hundred fifty-five **(555)** days.

Receipt is acknowledged 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 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 FIVE HUNDRED AND FIFTY-FIVE (555) days.

Telephone inquiries specific to this matter should be directed to Charlema R. Grant, Petitions Attorney, at (571) 272-3215.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions
Office of Deputy Commissioner
For Patent Examination Policy

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT	:	7,418,285 B2
DATED	:	August 26, 2008
INVENTOR(S)	:	GHESQUIERE, 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 526 days

Delete the phrase "by 526 days" and insert – by 555 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 21 2005

In re Application of	:	
Dennis E. Weiland	:	
Serial No. 11/025,708	:	DECISION ON PETITION
Filed: December 29, 2004	:	TO MAKE SPECIAL
For: SUPPORT DEVICES FOR	:	
DISTRIBUTING PRESSURE	:	

Applicant's petition, filed December 29, 2004, requests that this application be rendered special for examination in that applicant is over sixty-five (65) years of age.

The petition has been reviewed and is found to be in compliance with the requirements for special status as set forth in Section 708.02(IV) of the Manual of Patent Examining Procedure (MPEP).

PETITION GRANTED.

E. R. Kazenske, Director
Technology Center 3700

Anthony D. Logan
Ellis & Venable, P.C.
101 North First Avenue, Suite 1875
Phoenix, AZ 85003

DATE 11/30/07 APPLICATION NUMBER 11/025725

DOC CODE PET. DEC DOC DATE _____

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

CONTRACTOR: THE ATTACHED FILE/DOCUMENT MUST BE INDEXED AND SCANNED INTO IFW WITHIN **8** WORK HOURS; UPLOADING OF THE SCANNED IMAGES SHOULD OCCUR NO LATER THAN **16** WORK HOURS FOLLOWING RECEIPT OF THIS REQUEST

AFTER SCANNING, ORIGINAL DOCUMENTS SHOULD BE BOXED IN ACCORDANCE WITH INSTRUCTIONS

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DAVID W. HIGHET, VP AND CHIEF IP COUNSEL
BECTON, DICKINSON AND COMPANY
1 BECTON DRIVE, MC 110
FRANKLIN LAKES, NJ 07417-1880

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DEC 0 6 2007

OFFICE OF PETITIONS

In re Application of :
C. Mark Newby, et al. :
Application No. 11/025,725 : DECISION ON PETITION
Filed: December 29, 2004 :
Attorney Docket No. P-3522/14C1 :

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed August 1, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

In this regard, the amendment submitted with the petition references one of the prior-filed applications by the patent number rather than by the application number. *Note* 35 U.S.C. § 120, which provides, in relevant part:

> No application shall be entitled to the benefit of an earlier filed application under this section unless an amendment containing the

> specific reference to the earlier filed **application** is submitted at such time during the pendency of the application as required by the Director. [Emphasis supplied.]

Note also CFR 1.78(a)(2)(i), which states, in relevant part:

> Except for a continued prosecution application filed under § 1.53(d), any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications * * * must contain or be amended to contain a reference to each such prior-filed application, **identifying it by application number (consisting of the series code and serial number)** *** and indicating the relationship of the applications. [Emphasis supplied.]

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)) correcting the above-noted matter is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail:
Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:
Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax:
(571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Sherry D. Brinkley at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Frances M. Hicks
Lead, Petitions Examiner
Office of Petitions

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DAVID W. HIGHET, VP AND CHIEF IP
COUNSEL
BECTON, DICKINSON AND COMPANY
1 BECTON DRIVE, MC 110
FRANKLIN LAKES NJ 07417-1880

COPY MAILED

JAN 0 4 2008

OFFICE OF PETITIONS

In re Application of :
Mark C. Newby, et al. :
Application No. 11/025,725 :
Filed: December 29, 2004 :
Attorney Docket No. P-3522/14C1 :

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(3) AND
UNDER 37 CFR 1.78(a)(6)

This is a decision on the renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed December 18, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petition is **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The 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 the undersigned at (571) 272-3204. 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 3763 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.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

ATTACHMENT : Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/025,725	12/29/2004	3763	1130	P-3522/14C1	8	1

CONFIRMATION NO. 4328

CORRECTED FILING RECEIPT

26253
DAVID W. HIGHET, VP AND CHIEF IP COUNSEL
BECTON, DICKINSON AND COMPANY
1 BECTON DRIVE, MC 110
FRANKLIN LAKES, NJ 07417-1880

Date Mailed: 01/04/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

C. Mark Newby, Tuxedo, NY;
Michael C. Bennett, Summit, NJ;
Jamieson W. M. Crawford, New York, NY;

Assignment For Published Patent Application

Becton, Dickinson and Company, Franklin Lakes, NJ

Power of Attorney: The patent practitioners associated with Customer Number 26253

Domestic Priority data as claimed by applicant

This application is a CON of 10/156,611 05/24/2002 PAT 7,223,258
which is a CIP of 09/378,976 08/23/1999 PAT 6,440,104
which claims benefit of 60/098,282 08/28/1998

Foreign Applications

If Required, Foreign Filing License Granted: 02/08/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/025,725**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Method for making a safety shield assembly and related combinations thereof

Preliminary Class

604

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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INGRASSIA FISHER & LORENZ, P.C. (FS)
7010 E. COCHISE ROAD
SCOTTSDALE, AZ 85253

Mail Date: 04/20/2010

Applicant	: Marcus W. May	: DECISION ON REQUEST FOR
Patent Number	: 7629709	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/025,734	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **856** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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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

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MAY 25 2007

OFFICE OF PETITIONS

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 5400
SEATTLE WA 98104-7092

In re Application of	:	
Andreia Cathelin	:	
Application No. 11/025,775	:	DECISION ON PETITION
Filed: December 29, 2004	:	UNDER 37 C.F.R. §1.181
Attorney Docket No.: 852263.420	:	
Title: INTEGRABLE PHASE-LOCKED	:	
LOOP INCLUDING AN ACOUSTIC	:	
RESONATOR	:	

This is a decision on the petition filed February 8, 2007, pursuant to 37 C.F.R. §1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed June 30, 2006, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on October 1, 2006. A notice of abandonment was mailed on January 16, 2007.

With the present petition, Petitioner has asserted that a response was submitted on January 3, 2007, along with a three-month extension of time.

It is noted that December 30, 2006 fell on a Saturday, January 1, 2007 was a federal holiday, and federal offices were closed on January 2, 2007 by Executive Order of the President, in tribute to former President Ford.

It is further noted that Office records confirm that a response was received on January 3, 2007, along with a three-month extension of time.

Petitioner has requested that the holding of abandonment in the above-identified application be withdrawn. It is clear that a response was timely submitted on January 3, 2007. Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a submission was timely submitted.

Accordingly, the petition under 37 C.F.R. §1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the response that was received on February 3, 2007 can be processed.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[1]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES CA 90025-1030

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OFFICE OF PETITIONS

In re Application of :
Hee-Bok Kang et al. :
Application No. 11/025,800 : ON PETITION
Filed: December 28, 2004 :
Attorney Docket No. 51876P776 :

This is a decision on the petition, filed October 10, 2006 under 37 CFR 1.137(b)[1], to revive the above-identified application.

The petition is **GRANTED**.

A Notice of Allowability, mailed May 17, 2006, required the submission of corrected drawings on or before August 17, 2006. This application became abandoned August 18, 2006. Accordingly, a Notice of Abandonment was mailed September 20, 2006.

This application is being forwarded to the Publishing Division for review of the drawings shown as having been received in the PTO on September 20, 2006.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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[1] A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by:

(1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof;

(2) the petition fee required by 37 CFR 1.17(l);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.

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PATTON BOGGS, L.L.P.
2001 ROSS AVENUE, SUITE 3000
DALLAS TX 75201

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MAR 0 3 2005

OFFICE OF PETITIONS

In re Application of :
Carlos Becerra et al. :
Application No. 11/025,802 : DECISION ACCORDING STATUS
Filed: December 29, 2004 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 021749.0104PTUS :

This is in response to the petition filed December 29, 2004 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on December 29, 2004, naming Carlos Becerra and Markus Randel as joint inventors but without a signed declaration. Petitioners seek status under 37 CFR 1.47(a) claiming that joint inventor Randel refuses to sign the oath or declaration and thus by his actions, to cooperate with the filing of the instant application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that the application papers were sent to Mr. Randel and that he has verbally, in a conversation with the attorney of record, Gary Solomon, and by his actions, refused to sign the oath or declaration or to cooperate with the filing of the instant application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The petition fee in the amount of $200.00 has been charged to deposit account no. 50-2816.

This matter will be referred to the Office of Initial Patent Examination for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MARKUS RANDEL
111 HOLLY TRACE LANE
BALL GROUND, GA 30107

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MAR 0 3 2005

OFFICE OF PETITIONS

In re Application of
Carlos Becerra et al.
Application No. 11/025,802
Filed: December 29, 2004
For: SYSTEM AND METHOD FOR PROVIDING DECOMPRESSION MODALITIES USING OSCILLATORY SIGNALING AT HIGH TENSION LEVELS AND SMOOTH TRANSITION SIGNALING FOR SPINAL TREATMENT

Dear Mr. Randel:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned Petitions Attorney at (571) 272-3212. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:
PATTON BOGGS, L.L.P.
2001 ROSS AVENUE, SUITE 3000
DALLAS TX 75201

UNITED STATES PATENT AND TRADEMARK OFFICE

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Patton Boggs, L.L.P.
2001 Ross Avenue, Suite 3000
Dallas, TX 75201

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OFFICE OF PETITIONS

In re Application of

Carlos Becerra et al.
Application No. 11/025,802
Filed: December 29, 2004
Attorney Docket No. 021749.0104PTUS

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 6, 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 Gerald T. Welch 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: **Carlos Becerra**
940 Edgewater Court
Atlanta, GA 30238

cc: **Richard K. O'Donnell**
North Medical Corporation
1649 Sands Place, S.E., Suite A
Marietta, GA 33067

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
11/025,802	12/29/2004	Carlos Becerra	021749.0104PTUS

CONFIRMATION NO. 3930

44124
PATTON BOGGS, L.L.P.
2001 ROSS AVENUE, SUITE 3000
DALLAS, TX 75201

POWER OF ATTORNEY NOTICE

OC000000026843477

Date Mailed: 11/21/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/06/2007.

- 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.

/tswilliams/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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LEVISOHN, BERGER & LANGSAM, LLP
805 THIRD AVENUE, 19TH FLOOR
NEW YORK, NY 10022

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OFFICE OF PETITIONS

In re Application of :
Shirahama et al. :
Application No. 11/025,807 :
Filed: December 29, 2004 :
Attorney Docket No. 1715.001.001 :

Decision on Petition

This is a decision on the petition filed August 16, 2005, which is being treated as a petition under 37 CFR 1.53(e)(2), to establish that Figure 8 was part of the originally filed application.

The petition is **granted**.

Facts:

The application was filed on 11/025,807. The application was not filed in English.

A brief review of the original drawings fails to clearly indicate the number of Figures present. However, the transmittal sheet indicated that the drawings included Figures 1-8 and the Office assumed all Figures were present.

A Notice requiring replacement drawings was mailed on March 31, 2005.

Replacement drawings were filed on May 31, 2005. A review of the drawings in the file indicates Figure 8 was missing from the drawing sheets.

On June 16, 2005, the Office mailed a Notice stating Figure 8 was missing from the application.

Petitioner contends Figure 8 was filed on December 29, 2004, and on May 31, 2005.

Petitioner has proven that "Figure 8" was filed on December 29, 2004.

A close review of the drawings originally filed, along with a review of all the drawings subsequently filed, indicates that a drawing Figure filed with the application contained the same subject matter as Figure 8 filed with the petition. Therefore, petitioner has proven that "Figure 8" was filed with the original application.

The copy of Figure 8 filed with the petition will be entered as part of the original application.

Petitioner has not proven that Figure 8 was filed on May 31, 2005.

The petition fee will not be refunded since the instant petition was not necessitated by Office error.

The March 31, 2005 Notice required replacement drawings for all Figures. The June 16, 2005 Notice was the result of Figure 8 missing from the replacement drawings. All the evidence present in the file has been carefully considered, but is not persuasive that Figure 8 was filed with the replacement drawings.

The Office acknowledges receipt of a copy of a stamped postcard receipt which establishes certain papers were filed with the Office on May 31, 2005. However, the postcard is not itemized and fails to prove that Figure 8 was filed on May 31, 2005. The postcard does not indicate the Office received 8 sheets of drawings on May 31, 2005.

MPEP 503 states (emphasis added),

> It is important that the return postcard itemize all of the components of the application. **If the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO).** ...
>
> The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. **The postcard should also identify the type of paper being filed**, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., **and the number of pages being submitted.** If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., **the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).**
>
> **The postcard receipt will not serve as prima facie evidence of receipt of any item which is not adequately itemized on the postcard.** For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as prima facie evidence of receipt of those items.

For the reasons above, the petition fee will not be refunded.

The Office of Initial Patent Examination will be informed of the instant decision and will process the application with a filing date of August 16, 2005, using the papers filed on August 15, 2005, the 7 sheets of drawings filed on May 31, 2005, and the drawing sheet containing Figure 8 filed on August 16, 2005.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LEVISOHN, BERGER & LANGSAM, LLP
805 THIRD AVENUE, 19TH FLOOR
NEW YORK, NY 10022

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JUL 26 2006

OFFICE OF PETITIONS

In re Application of :
Shirahama et al. :
Application No. 11/025,807 :
Filed: December 29, 2004 :
Attorney Docket No. 1715.001.001 :

Decision on Petition

Corrected Decision

This is a corrected decision on the petition filed August 16, 2005, which is being treated as a petition under 37 CFR 1.53(e)(2), to establish that Figure 8 was part of the originally filed application.

The petition is **granted**.

The contents of the decision mailed November 14, 2005, are hereby incorporated by reference.

As discussed more fully in the prior decision, the petition establishes Figure 8 was filed with the application on December 29, 2004. The decision correctly indicated the copy of Figure 8 filed with the petition will be entered as part of the original application.

The last full paragraph of the decision stated, with emphasis added,

> The Office of Initial Patent Examination will be informed of the instant decision and will process the application with a filing date of *August 16, 2005*, using the papers filed on *August 15, 2005*, the 7 sheets of drawings filed on May 31, 2005, and the drawing sheet containing Figure 8 filed on August 16, 2005.

The instant corrected decision is intended to correct the typographical errors in the prior decision. Specifically, the prior decision should have accorded the application a filing date of December 29, 2004.

At this time, the Office of Initial Patent Examination will be informed of the instant decision and will process the application with a filing date of *December 29, 2004*, using the papers filed on *December 29, 2004*, the 7 sheets of drawings filed on May 31, 2005, and the drawing sheet containing Figure 8 filed on August 16, 2005.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

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Philip G. Meyers
Law Office
Suite 300
1009 Long Prairie Road
Flower Mound TX 75022

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JUL 18 2007

OFFICE OF PETITIONS

In re Application of
Ottmat K. Kechel
Application No. 11/025,813
Filed: December 29, 2004
Attorney Docket No. 18525-0849

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 6, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before March 1, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed December 1, 2006. Accordingly, the date of abandonment of this application is March 2, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1400.00 and the publication fee of $300.00, (2) the petition fee of $1500.00; and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Also, the application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this

decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Christopher Bottorff at (571) 272-6052 or in his absence, the undersigned at (571) 272-7099.

This application is being referred to Publishing Division for processing into a patent.

David Bucci
Petitions Examiner
Office of Petitions

cc: Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

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HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

MAILED

APR 16 2009

OFFICE OF PETITIONS

In re Application of :
John Sherry, et al. :
Application No. 11/025,826 : DECISION ON PETITION
Filed: December 28, 2004 : TO WITHDRAW
Attorney Docket No. 760-193 RCE : 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 19, 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 Anna-Lisa Gallo on behalf of all attorneys of record who are associated with customer No. 23869. All attorneys/agents associated with the Customer Number 23869 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 John Sherry at the address indicated below.

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 March 5, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: JOHN SHERRY
130 BIRD'S HILL AVENUE
NEEDHAM, MA 02492

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/025,826	12/28/2004	John Sherry	760-193 RCE

CONFIRMATION NO. 2108

23869
HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

POWER OF ATTORNEY NOTICE

OC000000035486979

Date Mailed: 04/14/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/19/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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VIDAS, ARRETT & STEINKRAUS, P.A.
SUITE 400, 6640 SHADY OAK ROAD
EDEN PRAIRIE, MN 55344

Mail Date: 04/21/2010

Applicant	: John Sherry	: DECISION ON REQUEST FOR
Patent Number	: 7641681	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/025,826	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/28/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **612** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON, MA 02199-7610

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MAY 09 2007

OFFICE OF PETITIONS

In re Application of :
Ingmar HOERR, et al :
Application No. 11/025,858 : DECISION ON PETITION
Filed: December 28, 2004 : TO WITHDRAW
Attorney Docket No. 22122-00010-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 February 23, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney given to Foley & Lardner, LLP has been revoked by the assignee of the patent application on February 12, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address unless otherwise notified by applicant.

The is an outstanding Office action mailed November 27, 2006 that require a reply by the applicant.

Telephone inquires concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: CONNOLLY BOVE LODGE & HUTZ LLP
P.O. BOX 2207
WILMINGTON, DE 19899-2207

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FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

11/2/09

In re Application of:
MOLAEI, MASOUD et al
Serial No.: 11/025,866
Filed: Dec. 29, 2004
Docket: 10527-0566001
Title: MEDICAL DEVICES INCLUDING METALLIC FILMS AND METHODS FOR MAKING SAME

DECISION ON PETITION

This is a decision on the petition filed on June 10, 2009 in which the petitioner requests reconsideration and withdrawal of the restriction requirement issued on September 23, 2008. This petition is considered as if pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is **GRANTED IN PART**.

The relevant record shows that:

1. In the September 23, 2008 Office action, an election of species was required between two independent or distinct species, namely, A. a constant diameter stent body, e.g. as illustrated in Fig.1 and B. a variable diameter stent body as illustrated in Fig. 10b. The examiner further stated that there are three patentably distinct sub-species of attachment of metallic film to stent body, namely, Subspecies I, single location as illustrated in Figs. 3d, 3e; Subspecies II, multiple locations along stent body as illustrated in Figs. 4a, 5a, 6a, 6b, 7a, 8a, 9 and Subspecies III, only at the ends as illustrated in Fig. 6a.
2. In response, on November 24, 2008, the applicant filed a response, elected the Species A and Subspecies II and indicated claims 1-2 and 14-17 are readable on the elected species and subspecies. In the response, the applicant also traversed the election of species requirement.
3. On February 12, 2009, a non-final Office action was issued. The examiner acknowledged the applicant's election with traverse and reiterated the propriety of the restriction requirement. In the Office action, the examiner rejected all elected claims 1-2 and 4-16 and withdrew from consideration of the non-elected claims 3, 17-20. The examiner also disputed he elected claim 17 as not readable on the elected Species and Subspecies under the first paragraph of the 35 USC 112.

4. On June 10, 2009, the applicant filed a response to the non-final Office action amending all elected independent claims 1, 8, 10 and 15 and also arguing propriety election of species requirement regarding remaining non-elected claims 3, 18-20. The applicant also added new claims 21-37.
5. On June 10, 2009, the applicant filed the present petition for withdrawal of restriction requirement of the March 23, 2008 Office action be reviewed and withdrawn.

Discussion and Analysis

In the June 10, 2009 petition, petitioner requests withdrawal of the restriction requirement imposed in the September 23, 2008 Office action. Petitioner asserts that the restriction requirement was improper because the requirement did not provide any analysis and reasons why the species A and B are independent or distinct. Petitioner also argues that the claims do not call for "constant diameter" and "variable diameter". The division of the claimed subject matter in this manner is arbitrary. On page 2, the bottom paragraph of the petition, petitioner argues that the subspecies I, II and III do not contain mutually exclusive elements or limitations. Therefore, the election of subspecies requirement of I, II and III is not proper.

Pursuant to MPEP 803, there are two criteria for a proper restriction requirement: (1) the inventions must be independent or distinct as claimed and (2) there would be a serious burden on the examiner if restriction is not required.

In the September 23, 2008 Office action, the examiner restricted the two species on the basis of being patentably distinct. In the Office action, the examiner identified that two species are A. a constant diameter stent body, e.g. as illustrated in Fig.1 and B. a variable diameter stent body as illustrated in Fig. 10b. The species are mutually exclusive and are not obvious variants of each other based on the current record. Although the claims do not call for "constant diameter" and "variable diameter", the examiner merely used those terms to characterize those features directed to species A and species B. As for example, Fig. 1 of Species A does show a straight stent body 52 with a constant cross section. Fig. 10b shows a stent body 327 with larger diameter at the ends and a narrower diameter d_6 in the middle section 337 of the stent body. In particular, claim 18 is directed to Fig. 10b of Species B in which claim 18 calls for the recess portion is formed by the varying diameters by delta d. These different features as disclosed and claimed clearly demonstrated mutually exclusive characteristics of Species A and Species B. It is further noted that nowhere in the supporting specification and drawings, does the applicant disclose the features of Species A and Species B are not mutually exclusive. A review of the record shows that the applicant did not clearly admitted on the record that the Species A and B are not patentably distinct or identify any evidence showing the species to be obvious variants (see the last paragraph of page 3 of the Office action of September 23, 2008). Since the claims directed to the Species A and B are patentable over each other, then, the election of species requirement of September 23, 2008 is proper.

Furthermore, the examiner must establish there is a serious burden on the examiner if restriction is not required, pursuant to MPEP 808.02. In particular, MPEP 808.02(C)[1] states that a serious burden exists where it is necessary for the examiner to search different fields for the restricted species. The last paragraph of page 2 of the September 23, 2008 Office action, the examiner noted that the species do require different fields of search. In particular, the serious search burden arises from the mutually exclusive characteristics of Species A and B. In order to perform a quality search of prior art and examination of claims in this case, each species does require a different field of search in different classes/subclasses or electronic resources and/or using different search queries. It should be noted that the application of prior art references to one species would not likely be applicable to another species. The serious search burden does exist.

With regard to the election of Subspecies I, II and III, after consulting with the examiner, it was agreed that the election of subspecies should be withdrawn. Claims 3 and 17 will be rejoined with the elected Species A. The election of subspecies requirement is now withdrawn. An Office action on the merits including the rejoined non-elected claims 3 and 17 will follow in due course. Therefore, the request to review the withdrawal of claims 3 and 17 is hereby granted.

Conclusion

For the reasons outlined above, the restriction requirement regarding Species A and B imposed in the September 23, 2008 Office action and made final in the February 12, 2009 Office action is in accordance with proper Office procedure. The request to withdraw the election of Species A and B cannot be granted. However, the request to withdraw the election of subspecies I, II and III is granted. Non-elected claims 3 and 17 will be rejoined with other elected claims 1-2 and 4-16 for examination. Accordingly, with the exception of the election of subspecies requirement, the election of species requirement of Species A and B of September 23, 2008 is proper and will be maintained.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3738 for further consideration and examination of Rule 111amendment filed on June 10, 2009.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

[1] MPEP 808.02 Establishing Burden [R-5] (C) A different field of search: Where it is necessary to search for one of the inventions in a manner that is not likely to result in finding art pertinent to the other invention(s) (e.g., searching different classes/subclasses or electronic resources, or employing different search queries, a different field of search is shown, even though the two are classified together. The indicated different field of search must in fact be pertinent to the type of subject matter covered by the claims. Patents need not be cited to show different fields of search.

Accordingly, the petition is **Granted in Part**.

Donald T. Hajec, Director
Technology Center 3700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/025,866	12/29/2004	Masoud Molaei	10527-0566001	8118

26161 7590 01/13/2010
FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
PELLEGRINO, BRIAN E	
ART UNIT	**PAPER NUMBER**
3738	

NOTIFICATION DATE	DELIVERY MODE
01/13/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

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FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of:
MOLAEI, MASOUD et al
Serial No.: 11/025,866
Filed: Dec. 29, 2004
Docket: 10527-0566001
Title: MEDICAL DEVICES INCLUDING METALLIC FILMS AND METHODS FOR MAKING SAME

DECISION ON PETITION

This is a decision on the renewed petition filed January 4, 2010 under 37 CFR 1.181 requesting reconsideration of an earlier decision of November 2, 2009 for withdrawal of the election of species requirement of the Office action mailed September 23, 2008. This petition is considered as if pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is **granted.**

In finding petitioner's points of argument persuasive, the requested relief is granted. The election of species requirement of September 23, 2008 regarding Species A and B is hereby withdrawn. The examiner has been instructed to issue an Office action on the merits of those non-elected claims.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3738 for further consideration and examination of the Rule 111 amendment filed on June 10, 2009.

Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

Accordingly, the petition is **granted.**

Donald T. Hajec, Director
Technology Center 3700

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

12/16/09

Patent No. : 7013734
Inventor(s) : ZDEBLICK, MARK ,et al.
Issued : 3/21/06
Title : PRESSURE SENSORS HAVING STABLE GAUGE TRANSDUCERS
Atty.doc./File No.

Request for Certificates of Correction

Consideration has been given to your request for the issuance of a Certificate of Correction, for the above – identified patent under the provisions of CFR 1.322.

Inspection of the application for the patent reveals that claim 27,col. 38, line 59 and claim 37, Col. 40 line 11 is printed in accordance Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

In view of the forgoing, your request in this matter, is hereby denied.

Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Henry Randall
Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 Ext. 108

BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE, SUITE 200
EAST PALOI ALTO, CALIFORNIA 94303

HR/CBN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 5/1/09 Paper No.: _____

TO SPE OF : ART UNIT 2855 Caputo Lisa (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/025876 Patent No.: 7013734

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: Sorry for the delay. This just came to my attention.

Lisa Caputo (Lisa Caputo) 2855
SPE Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 5/1/09 Paper No.: _____

TO SPE OF : ART UNIT 2855 Caputo Lisa (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/025876 Patent No.: 7013734

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: Done already - Second Approval See EDAN 12/12/08

SPE

2855
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
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425 Broadhollow Road
Melville, NY 11747

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MAY 09 2005

OFFICE OF PETITIONS

In re Application of :
Dale J. Crook :
Application No. 11/025,889 :
Filed: December 29, 2004 : ON PETITION
Attorney Docket No.: 02,147 :

This is a decision on the Response to the Petition to Withdraw Requirement for Submission of Figure 1, filed April 20, 2005. The petition is properly treated under 37 CFR 1.182.

Background

Application papers in the above-identified application were filed on December 29, 2004. On February 17, 2005, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application ("Notice"), informing Applicant, that drawing Figure 1 described in the specification appeared to have been omitted from the application.

The instant petition

Applicant files the instant Petition and drawing Figure 1, and avers that (1) applicant submitted a preliminary amendment with the application papers that incorporates by reference prior applications 10/258,077 and 0[9]/498,783 and that, since Figure 1 was included in each of these applications, Figure 1 was present on filing the above-identified application; (2) Applicant's post card receipt acknowledges receipt of Figures 1-12 on December 29, 2004, and (3), Figure 1 was present on filing because it was included in the first page of the PCT application, a copy of which applicant provided on filing on December 29, 2004 (and as such, Figure 1 is not new matter).

As to (1) set forth above, Applicant is advised that a petition is not necessary in this instance to add Figure 1. The Manual of Patent Examining Procedure ("MPEP") provides that

> [i]f a continuation or divisional application as originally filed is entitled to a filing date despite the omission of a portion of the prior application(s), applicant will be permitted to add the omitted material by way of an amendment provided a statement was included in the application as originally filed that incorporates by reference the prior application(s). If the application as originally filed included a proper incorporation by reference of the prior application(s), an omitted specification page(s) and/or drawing figure(s) identified in a "Notice of Omitted Item(s)" may be added by amendment provided the omitted item(s) contains only subject matter in common with such prior application(s). In such case, applicant need not respond to the "Notice of Omitted Item(s)". Applicant should submit the amendment adding the omitted material prior to the first Office action on to avoid delays in the prosecution of the application. See MPEP § 601.01(d) and § 601.01(g).

MPEP 201.06(c)B.

Applicant may add Figure 1 by way of amendment and without a petition.

As to (2) set forth above, a review of Applicant's post card receipt acknowledges receipt of NINE (9) Pages of Drawings (Figures 1-12), on December 29, 2004. A review of the application file reveals that this Office received nine (9) pages of drawings commencing on the first page were Figures 2, 3, and 4, and concluding with page nine containing Figures 11 and 12.

Applicant is advised that, while "[a] postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO," *See*, MPEP § 503, *prima facie* evidence creates a rebuttable presumption that the Office received the items listed on the postcard. "*Prima facie* evidence" is defined as evidence such that is sufficient (See Black's Law Dictionary 1190 (6th ed. 1990).), to establish a given fact, and if not rebutted or contradicted, will remain

sufficient. As such, if the evidence is rebutted, the same is no longer sufficient.

In this instance, the postcard acknowledges that nine (9) pages of drawings were filed on December 29, 2004, and is corroborated by the official file. The USPTO file is the official record of the papers originally filed in this application. A review of the official file reveals that no drawing Figure 1 was filed on December 29, 2004, since no such drawing is present in the file. An applicant alleging that a paper was filed in the USPTO and later misplaced has the burden of proving the allegation by a preponderance of the evidence. Here, the information on the postcard is clearly contradictory in that, while nine (9) pages of drawings were in fact received in the Office on December 29, 2004, Figures 1-12 were not received. As such, applicant's postcard fails to evidence receipt of drawing Figure 1 on December 29, 2004.

As to (3) set forth above, Applicant is advised that a petition is not necessary in this instance to enter the drawing Figure. New drawings may be entered by the primary examiner without a petition so long as the drawings contain no new matter. *See*, MPEP 608.02(a). The issue of new matter is one appropriately addressed by the examiner.

The petition is dismissed.

The application will be returned to the Office of Initial Patent Examination for further processing as a nonprovisional application with a filing date of December 29, 2004, using the application papers filed on that date.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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425 Broadhollow Road
Melville, NY 11747

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JUN 20 2008

OFFICE OF PETITIONS

In re Application of :
Dale J. Crook :
Application No. 11/025,889 : ON PETITION
Filed: December 29, 2004 :
Attorney Docket No. 02,147 :

This is a decision on the petition under 37 CFR 1.137(b), on October 25, 2007, to revive the above-identified application.

The application became abandoned for failure to respond to the non-final Office action mailed January 8, 2007. A Notice of Abandonment was mailed on July 20, 2007.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) an amendment and one sheet of replacement drawing containing Figure 9; (2) the petition fee of $1,540; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 3679 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

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P.O. Box 1450
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STEVEN C. SCHNEDLER
CARTER & SCHNEDLER, PA
56 CENTRAL AVE., SUITE 101
PO BOX 2985
ASHEVILLE NC 28802

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AUG 18 2008

OFFICE OF PETITIONS

In re Application of

MORSE, William Slade
Application No. 11/025,894
Filed: December 28, 2004
Attorney Docket No.

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 22, 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 Steven C. Schnedler on behalf of all attorneys of record who are associated with customer No. 31671. All attorneys/agents associated with the Customer Number 31671 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor William S. Morse 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 S. MORSE**
P.O. BOX 112
FRANKLIN NC 28744

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

VAGHARSHAK VARTANIAN
7007 HADLOW DRIVE
SPRINGFIELD, VA 22152

COPY MAILED

OCT 0 4 2006

OFFICE OF PETITIONS

In re Application of :
Vagharshak Vartanian :
Application No. 11/025,962 : DECISION ON PETITION
Filed: January 3, 2005 : UNDER 37 CFR 1.137(b)
For: SMALL WATERCRAFT PROPULSION :
DEVICE AND EXERCISE APPARATUS

This is a decision on the petition under 37 CFR 1.137(b), filed December 27, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed February 18, 2005, which required the submission of a substitute specification, claims, and abstract, with appropriate line spacing and a $25 additional claim fee.. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 19, 2005. A Notice of Abandonment was mailed on October 24, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply to the Notice of February 18, 2005, (2) the $750 petition fee, and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of February 18, 2005 is accepted as having been unintentionally delayed.

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 appropriate further processing.

Frances Hicks
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05-06-09

TO SPE OF : ART UNIT 1796

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/025968 Patent No.: 7300990

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Angela Green
Certificates of Correction Branch
703-756-1541

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved**	**All** changes apply.
☐ **Approved In Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

_____ 1796
SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

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OCT 17 2005

OFFICE OF PETITIONS

In re Application of :
Kristof Chwalisz and Gary D. Hodgen :
Application No. 11/025,977 : DECISION GRANTING PETITION
Filed: January 3, 2005 : UNDER 37 CFR 1.47(a)
For: HORMONE REPLACEMENT THERAPY :

This is in response to the papers filed October 3, 2005 which have been treated as a "Petition Under 37 CFR 1.47(a)."

The petition is **granted**.

The above-identified application was filed on January 3, 2005 without a fully executed oath or declaration and naming Kristof Chwalisz and Gary D. Hodgen as joint inventors. The above-identified application is a continuation of 09/395,982, which is a continuation of 08/752,948.

Accordingly, on June 3, 2005, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing.

In response, petitioner has submitted a copy of the decision according 37 CFR 1.47 status in the prior application. *See* 37 CFR 1.63(d)(3) and MPEP 201.06(c).

As such, petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

This application is hereby accorded Rule 1.47(a) status.

The file is being forwarded to Technology Center 1600 for examination *in due course*.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

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APR 18 2007

OFFICE OF PETITIONS

In re Application of
Jea-Hee Kim
Application No. 11/025,989
Filed: January 3, 2005
Attorney Docket No. 262540US8

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 **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to the attorneys/agents associated with Oblon, Spivak, McClelland, Maier & Neustadt, P.C. has been revoked by the assignee of the patent application on February 28, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **LOWE HAUPTMAN BERNER, LLP**
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05-01-09

TO SPE OF : ART UNIT 2879

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/025991 Patent No.: 7416462

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Angela Green
Certificates of Correction Branch
703-756-1541

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 approved for entry.

/NIMESHKUMAR D. PATEL/ 2879
SPE **Art Unit**

IN THE UNTIED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : New U.S. Application 11025992
Applicant : Tomohiro INOUE
Filed : Herewith
TC/A.U. : 1753
Examiner : 1-3-05
Docket No. : 2946-184
Customer No. : 6449
Confirmation No. :

PETITION TO MAKE SPECIAL

Commissioner for Patents
P.O.Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.102, this is a petition to make special the application entitled "Self-Diagnostic Method For Electrochemical Gas Sensor & Gas Detecting Device", attorney docket number 2946-184, filed of even date herewith.

This petition is accompanied by the fee set forth in 37 FR 1.17(h) of $130. (To be charged to our deposit account)

This application has two independent claims (claim 1 and claim 4) and a total of seven (7) claims, which are all directed to a single invention.

A pre-examination search was made for claims of the same scope as now is this application and a PCT International Search Report (ISR) was issued. References cited in the ISR are listed below:

1. JP 2004-061171 A

2. US 6,200,443 B1

01/06/2005 HMARZI1 00000066 022135 11025992
04 FC:1464 130.00 DA

PETITION GRANTED

Richard Crispino
Special Program Examiner
TC 1700
APR 27 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450Alexandria, VA 22313-1450
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FULWIDER PATTON LEE & UTECHT, LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE
TENTH FLOOR
LOS ANGELES CA 90045

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JUN 29 2005

OFFICE OF PETITIONS

In re Application of
John Raybuck
Application No. 11/026,002
Filed: December 30, 2004
Attorney Docket No. 61657

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(b)

This decision is in response to the petition filed June 20, 2005, under 37 CFR 1.47(b)

The petition is **GRANTED**.

The above-identified application was filed December 30, 2004 naming John Raybuck as the sole inventor, but without an executed oath or declaration. Accordingly, a Notice to File Missing Parts was mailed February 25, 2005. In response thereof, petitioner seeks status under 37 CFR 1.47 based on the fact that the application papers, including the declaration, was sent to Mr. Raybuck and to his attorney and that after Mr. Raybuck never returned an executed copy of the declaration, his Attorney, Guy E. Mailly, advised, verbally that Mr. Raybuck was refusing to execute the declaration. Thus, by his actions, Mr. Raybuck is refusing to cooperate with the filing of the instant application.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

All requirements under 37 CFR 1.47(b) therefore having been met, as provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will

also be published in the Official Gazette.

This matter will be referred to the Office of Initial Patent Examination for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (517) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JOHN RAYBUCK
1366 ½ KELTON AVE.
LOS ANGELES, CA 90024

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JUN 29 2005

OFFICE OF PETITIONS

In re Application of
John Raybuck
Application No. 11/026,002
Filed: December 30, 2005
For: SELF-SEALING MALE CONNECTOR DEVICE WITH COLLAPSIBLE BODY

Dear Mr. Raybuck:

You are named as the sole inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As the named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned Petitions Attorney at (571) 272-3212. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:
FULWIDER PATTON LEE & UTECHT, LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE
TENTH FLOOR
LOS ANGELES CA 90045

GUY E. MAILLY, ESQ.
7700 IRVINE CENTER DRIVE, SUITE 800
IRVINE, CA 92718-2930

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AUG 1 6 2005

OFFICE OF PETITIONS

RATNERPRESTIA
PO BOX 980
VALLEY FORGE, PA 19482-0980

In re Application of :
Xiao Ping Hu et al. :
Application No. 11/026,008 :
Filed: December 30, 2004 :
Attorney Docket No. K&S-130US :
For: Jam Detection Apparatus and Method for Indexing of Substrates and Lead Frames :

DECISION REFUSING TO ACCORD STATUS UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed May 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(a)" and may include an oath or declaration executed by the current non-signing inventor(s). **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires

(1) proof that the non-signing inventor cannot be found or reached after diligent effort or that the inventor refuses to sign after having been presented with the application papers (specification, claims, and drawings),
(2) a proper oath or declaration executed by the available joint inventor(s),
(3) the fee of $200 as specified in 37 CFR 1.17(g), and
(4) the last known address of the omitted inventor(s).

In addition to the above requirements, the signing inventors must sign the declaration on behalf of the non-signing inventor. See MPEP 409.03(a).

The instant petition fails to satisfy (1).

As to item (1), petitioner has failed to establish the inventor was able to sign the declaration but refused to sign the declaration. An inventor is unable to sign a declaration stating he or she has "reviewed and understands the application papers" when the inventor has not been presented with a copy of the application and therefore has not reviewed the application. In addition, until an inventor reviews the papers and reads the specification and claims, an inventor cannot know if he or she is actually an inventor of the claimed invention. The petition fails to establish the non-signing inventor was presented with a copy of the application papers.

Petitioner should send a copy of the application to the inventor along with instructions setting a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as a certified mail return receipt, cover letter of instructions, telegram, etc.

The petition fee of $200 has been charged to petitioner's deposit account.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

If a request for reconsideration is filed, and a decision on the new petition is not received within three months, petitioner may wish to call the number below to check on the status of the renewed petition.

Telephone inquiries concerning the instant decision should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN 2041 AU AUSTRALIA

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JUL 3 1 2008

OFFICE OF PETITIONS

In re Application of :
Kia Silverbrook :
Application No. 11/026016 : DECISION
Filing or 371(c) Date: 01/03/2005 : ON PETITION
Patent No.: 7178892 :
Issue Date: 02/20/2007 :
Attorney Docket No.: XMB071US :

This is a decision on the request for Certificate of Correction, filed February 18, 2008, requesting correction of the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction. The request is properly treated as a petition under 37 CFR 3.81(b)[1].

The Petition is **granted**.

The petition was accompanied by a certificate of correction as required by 3.81(b), and the fee submitted with the present petition. Further, Office assignment records reflect that SILVERBROOK RESEARCH PTY, LTD., 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.

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/
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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Zhong Zhang	: DECISION ON REQUEST FOR
Patent Number	: 7627500	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/026,031	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/03/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **803** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 05/18/2010

Applicant : Zhong Zhang
Patent Number : 7627500
Issue Date : 12/01/2009
Application No: 11/026,031
Filed : 01/03/2005

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **893** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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APR 16 2009

WEYERHAEUSER COMPANY
INTELLECTUAL PROPERTY DEPT., CH 1J27
P.O. BOX 9777
FEDERAL WAY, WA 98063

In re application of :
FOUCH et al. :
Application No.: 11/026,041 :
Filed: December 30, 2004 :
For: SHEAR WALL ATTACHMENT :
ASSEMBLY AND METHOD OF USE :

DECISION ON PETITION FILED UNDER 37 CFR 1.181

This is a decision on the petition filed on September 18, 2007 under 37 CFR 1.181 requesting the Request for Continued Examination (RCE) filed September 18, 2007.

The petition is **DENIED**.

A review of the file history shows that a final rejection was mailed on March 7, 2007. In response to this final Office action, the applicant filed an amendment after final on May 7, 2007. However, in an advisory action mailed by the examiner on September 6, 2007, it was determined that the after final amendment of May 7, 2007 did not place the application in condition for allowance and was, therefore not entered. After receiving the advisory action, the applicant then filed an RCE and the present petition requesting the U.S. Patent and Trademark Office (USPTO) enter the RCE and reopen prosecution. In the petition, the applicant argues that since the advisory action was not mailed out until September 6, 2007, one day before the expiration of the six month statutory period for response to the final Office action, the applicant was unaware of the status of the claims and did not have time to file an RCE, Notice of Appeal, or other response. Finally, on November 11, 2007 a notice of abandonment was mailed to applicant.

After reviewing the above file history, it has been determined that merely because applicant did not receive a response to their after final amendment until such a late date, this does not warrant the USPTO to sua sponte withdraw the holding of abandonment, reopen prosecution, and allow entry of the applicant's RCE. Replies after final are usually processed and considered promptly by all Office personnel (MPEP 706.07(f), section III. Practice After Final). However, if a reasonable amount of time transpired since the filing of the after final submission and applicant had not received any communication from the Office, it was applicant's responsibility to inquire about their application prior to the expiry of the six month statutory period.

The applicant's petition is hereby **DENIED** and the USPTO will not reopen prosecution to allow entry of applicant's RCE.

In conclusion, the status of the application is abandoned. Any questions regarding this decision should be directed to Supervisory Patent Examiner Brian Glessner at 571-272-6843.

Kathy Matecki
Technology Center 3600 Director
571-272-5250

BG/ 4/3/09

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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WEYERHAEUSER COMPANY
INTELLECTUAL PROPERTY DEPT.,
CH 1J27
P.O. BOX 9777
FEDERAL WAY WA 98063

MAILED

MAY 21 2009

OFFICE OF PETITIONS

In re Application of :
Lucas B. Fouch et al :
Application No. 11/026,041 : DECISION ON PETITION
Filed: December 30, 2004 :
Attorney Docket No. 25496 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 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 an RCE and a previously filed amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final rejection mailed March 7, 2007, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3633 for appropriate action by the Examiner in the normal course of business.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : New Application 11/026053
Applicant : Tomohiro INOUE et al
Filed : Herewith 1-3-05
TC/A.U. : 1753
Examiner : Olsen, K

Docket No. : 2946-183
Customer No. : 6449
Confirmation No. :

PETITION TO MAKE SPECIAL

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.102, this is a petition to make special the newly filed application entitled "Liquid Electrochemical Gas Sensor", attorney docket 2946-183, filed of even date herewith.

This petition is accompanied by the fee set forth in 37 FR 1.17(h) of $130. (To be charged to our deposit account)

This application has only one independent claim and a total of seven (7) claims, which are all directed to a single invention.

A pre-examination search was made for claims of the same scope as now in this application and a International Search Report (ISR) was issued. References cited in the ISR are listed below:

1. US 4,820,386 A
2. US 5,650,054 A1
3. US 6,200,443 B1

01/06/2005 HMARZI1 00000055 11026053
01 FC:1464 130.00 DA

01/06/2005 HMARZI1 00000055 022135 ~~11026053~~
01 FC:1464 ~~130.00 DA~~

PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700
MAY 29 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

Mail Date: 04/20/2010

Applicant	: Hironobu Nakata	: DECISION ON REQUEST FOR
Patent Number	: 7639385	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/026,085	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/03/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1107** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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WORKMAN NYDEGGER
(F/K/A WORKMAN NYDEGGER & SEELEY)
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY UT 84111

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OCT 23 2006

OFFICE OF PETITIONS

In re Application of :
GUENTER, et al. :
Application No. 11/026,095 : DECISION ON PETITION
Filed: December 30, 2004 : TO MAKE SPECIAL UNDER
Attorney Docket No. 15436.673 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 25, 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 an affidavit from James R. Biard attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at 571-272-7253.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2828 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

MAILED

JUL 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Luk et al.	:	DECISION ON PETITION
Application No. 11/026,158	:	TO WITHDRAW
Filed: December 30, 2004	:	FROM RECORD
Attorney Docket No. S63.2-14479US02	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 17, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on May 18, 2009 the power of attorney to Hoffmann & Baron, LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: 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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Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, CA 94304-1018

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FEB 20 2008

OFFICE OF PETITIONS

In re Application of :
Giovanni Coglitore :
Application No. 11/026,163 : DECISION ON PETITION
Filed: December 29, 2004 : TO WITHDRAW
Attorney Docket No. 443452001200 : 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 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 Charles D. Holland on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is no outstanding Office action 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: **Giovanni Coglitore**
13262 Via Blanc
Saratoga, CA 95070

cc: **Bill Galliani**
Cooley Godward Kronish LLP
Five Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306-2155

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
11/026,163	12/29/2004	Giovanni Coglitore	443452001200

CONFIRMATION NO. 5663

POWER OF ATTORNEY NOTICE

25226
MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

OC000000028376922

Date Mailed: 02/19/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/30/2007.

- 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.

/tswilliams/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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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DOUGLAS KOZLAY
9475 DEERECO ROAD, SUITE 304
TIMONIUM, MD 21093

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JAN 19 2006

OFFICE OF PETITIONS

In re Application of :
Douglas Kozlay :
Application No. 11/026,165 : DECISION GRANTING PETITION
Filed: December 30, 2004 : UNDER 37 CFR 1.137(b)
For: APPARATUS, METHOD, AND SYSTEM :
TO DETERMINE IDENTITY AND LOCATION
OF A USER WITH AN ACOUSTIC SIGNAL
GENERATOR COUPLED INTO A USER-
AUTHENTICATING FINGERPRINT SENSOR

This is a decision on the petition under 37 CFR 1.137(b), filed November 23, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed March 3, 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 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on May 4, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply (claims and abstract with correct line spacing); (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of March 3, 2005 is accepted as having been unintentionally delayed.

The Notice of March 3, 2005 also indicated that Figure 3 was omitted from the application at the time of filing. The Notice further set forth two avenues of relief for acceptance of omitted Figure 3 as part of the application. There is no indication that applicant herein either contends that the drawing was in fact present on filing and presented evidence in support thereof (item I) or filed a petition under 37 CFR 1.182 to accept the drawing, along with a supplemental oath or declaration referencing the omitted drawing, requesting the later filing date (item II).

Item III states that the failure to file a petition (and fee) under either item I or II above within two months of this Notice will be treated as a constructive acceptance by the applicant of the application as originally deposited in the USPTO, that the application will maintain a filing date as of the date of deposit and will only include those application papers present in the USPTO on the date of deposit (without drawing Figure 3).

MPEP 601.01(g) states, in part, that, if an applicant is willing to accept the application as deposited, an amendment of the specification is required to cancel all references to the omitted drawing, both in the brief and detailed descriptions of the drawings and including any reference numerals shown only in the omitted drawings. In addition, an amendment with replacement sheets of drawings in compliance with 37 CFR 1.121(d) is required in a nonprovisional application to renumber the drawing figures consecutively and an amendment of the specification is required to correct the references to the drawing figures to correspond with any relabeled drawing figures, both in the brief and detailed descriptions of the drawings. Such amendment should be submitted as a preliminary amendment prior to the first Office action to avoid delays in the prosecution of the application.

Alternatively, applicant may wish to try to have the drawing entered by way of an amendment, which amendment will be considered by the examiner to determine whether the inclusion of the drawing would constitute new matter.

Accordingly, as petitioner has not exercised either option I or II above, this application will be processed as originally filed; i.e., without Figure 3.

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 further processing with the application papers as originally filed (without Figure 3).

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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Paper No. None

Douglas Kozlay
Suite 304
9475 Deereco Road
Timonium MD 21093

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MAR 13 2006

OFFICE OF PETITIONS

In re Application of :
Douglas Kozlay :
Application No. 11/026,165 : DECISION ON PETITION UNDER
Filed: December 30, 2004 : 37 C.F.R. §1.181(A)
Title: APPARATUS, METHOD, AND :
SYSTEM TO DETERMINE IDENTITY
AND LOCATION OF A USER WITH AN
ACOUSTIC SIGNAL GENERATOR
COUPLED INTO A USER-
AUTHENTICATING FINGERPRINT
SENSOR

This is a decision on the petition under 37 CFR §1.181(a), filed February 10, 2006, to withdraw the holding of abandonment.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (notice), mailed March 3, 2005, which set a shortened statutory period for reply of two (2) months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on May 4, 2005. A notice of abandonment was mailed on November 7, 2005.

On November 23, 2005, Petitioner submitted a petition under 37 C.F.R. §1.137(b), which was granted via the mailing of a decision on January 19, 2006. This decision indicated that a matter remained outstanding pertaining to Figure 3.

On February 10, 2006, the Office of Initial Patent Examination mailed a new Notice of Incomplete Reply (Nonprovisional), withdrawing the previously sent notice of abandonment.

As such, the present petition is **DISMISED AS MOOT**.

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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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

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AUG 2 2 2005

OFFICE OF PETITIONS

In re Application of :
Andrews, Ballard, Braunm, Crowley, Dondici, Drayton, :
Garlick, Green, Kilambi, Landry, Marshall, McPartland, Moore :
Mulder, Murphy, Poor, Resnick, Roberts, Shaw, Springgate, :
Stevens, and Svatik :
Application No. 11/026,166 : DECISION REFUSING STATUS
Filed: December 31, 2004 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 005306.P123 :
For: Methods and Systems to Effect Comprehensive Customer Relationship Management Solutions

This is a decision on the petition under 37 CFR 1.47(a) July 21, 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 31, 2004, without a properly executed declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on February 17, 2005, requiring a proper declaration and payment of a surcharge. The notice of February 17, 2005, allowed a two-month period for reply beginning from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). The instant petition was filed on July 21, 2005, along with a request for an extension of time within the third month.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee,

(4) a statement of the last known address of the non-signing inventor,

The instant petition lacks item (1) above.

As to item (1) sufficient proof was not provided that the entire application was sent to the non-signing inventors, not just the declaration and power of attorney. Guidance as to what is required to be sent to the non-signing before a refusal to join the prosecution of the application, constructive or express, can be alleged is found in the *Manual of Patent Examining Procedure*, Section 409.03(d) which reads, in pertinent part:

> [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 non-signing inventor, or, if the non-signing inventor is represented by counsel, to the address of the non-signing inventor's attorney.

Although it is apparent that the declaration and assignment were sent to the non-signing inventors, it is not clear from the instant petition whether petitioner sent the non-signing inventors the entire application for their review and signature. It is, therefore, concluded that item (1) above has not been satisfied. Any renewed petition filed must demonstrate that a copy of the entire application, including the specification, claims, and any drawings, were sent to the non-signing inventors.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents,
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (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

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12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES CA 90025-1030

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DEC 12 2005

OFFICE OF PETITIONS

In re Application of :
Andrews, Ballard, Braunm, Crowley, Dondici, Drayton, :
Garlick, Green, Kilambi, Landry, Marshall, McPartland, Moore :
Mulder, Murphy, Poor, Resnick, Roberts, Shaw, Springgate, : DECISION ON PETITION
Stevens, and Svatik :
Application No. 11/026,166 :
Filed: December 31, 2004 :
Attorney Docket No. 005306.P123 :
For: Methods and Systems to Effect Comprehensive Customer Relationship Management Solutions

This is in response to the renewed petition under 37 CFR 1.47(a), filed November 28, 2005 (certificate of mailing dated November 22, 2005.)

The renewed petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The above-identified application was filed on December 31, 2004, without a properly executed declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on February 17, 2005, requiring a proper declaration and payment of a surcharge. The notice of February 17, 2005, allowed a two-month period for reply beginning from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). A petition under 37 CFR 1.47(a) was filed on July 21, 2005, along with a request for an extension of time within the third month. The petition was dismissed by a decision mailed August 22, 2005. The instant renewed petition was filed on November 22, 2005, with a request for an extension of time within the first month.

Petitioner has shown that inventors Dondici and Resnick have contructively refused to execute the declaration and join 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 inventors 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 directed to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
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

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

In re Application of :
ANDREWS, et al. :
Application No. 11/026,166 : DECISION ON PETITION
Filed: December 31, 2004 : TO WITHDRAW
Attorney Docket No. OIC0250US : 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 16, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to BLAKELY SOKOLOFF TAYLOR & ZAFMAN has been revoked by the assignee of the patent application on September 05, 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 571-272-6825.

Patricia Volpe
Petitions Examiner
Office of Petitions

cc: **CSA LLP**
4807 SPICEWOOD SPRINGS RD.
BLDG. 4, SUITE 201
AUSTIN TX 78759

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CSA LLP
4807 SPICEWOOD SPRINGS RD.
BLDG. 4, SUITE 201
AUSTIN TX 78759

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APR 18 2007

OFFICE OF PETITIONS

In re Application of :
Andrews et al. : DECISION ON PETITION
Application No. 11/026,166 :
Filed: 31 December, 2004 :
Atty Docket No. OIC0250US :

This is a decision on the petition, filed on 29 January, 2007, 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 20 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 not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[1] In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing, which sets forth the projected publication date of 26 July, 2007, is enclosed herewith.

The application is being referred to Technology Center Art Unit 3623 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

Encl: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing

[1] See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1208 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/026,166	12/31/2004	Keith Andrews	OIC0250US

CONFIRMATION NO. 5671

60975
CSA LLP
4807 SPICEWOOD SPRINGS RD.
BLDG. 4, SUITE 201
AUSTIN, TX 78759

Date Mailed: 04/17/2007

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 07/26/2007.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/026,166	12/31/2004	Keith Andrews	OIC0250US

CONFIRMATION NO. 5671

60975
CSA LLP
4807 SPICEWOOD SPRINGS RD.
BLDG. 4, SUITE 201
AUSTIN, TX 78759

Date Mailed: 04/17/2007

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 07/26/2007.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

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SUN MICROSYSTEMS, INC.
C/O DARBY & DARBY P.C.
P.O. BOX 770
CHURCH STREET STATION
NEW YORK NY 10008-0770

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JUN 23 2008

OFFICE OF PETITIONS

In re Application of :
JORDAN, Paul et al. :
Application No. 11/026,187 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. **SUN041208** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 18, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the declarations filed on December 30, 2004 and September 12, 2005 are improper. The addresses for all inventors were not provided.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **OSHA LIANG L.L.P./SUN**
1221 MCKINNEY, SUITE 2800
HOUSTON, TX 77010

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TROP PRUNER & HU, PC
8554 KATY FREEWAY
SUITE 100
HOUSTON TX 77024

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SEP 0 9 2005

OFFICE OF PETITIONS

In re Application of	:	DECISION GRANTING STATUS
Biswas, et al.	:	UNDER 37 CFR 1.47(a)
Application No. 11/026,220	:	
Filed: December 29, 2004	:	
Dkt. No.: ITL.1234US (P20763)	:	
For: LOCALIZING ERROR DETECTION AND RECOVERY	:	

This decision is in response to the petition under 37 CFR 1.47(a) filed August 19, 2005.

The petition is **GRANTED**.

Petitioner has shown that inventor Subhasish Mitra either cannot be reached or located to execute the declaration or has refused to sign the declaration after having been presented with the application papers.

Thus, the above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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Subhasish Mitra
3300 Capital Center Drive, Apt. # 132
Rancho Cordova, CA 95670

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OFFICE OF PETITIONS

In re Application of	:	
Biswas, et al.	:	
Application No. 11/026,220	:	LETTER
Filed: December 29, 2004	:	
Dkt. No.: ITL.1234US (P20763)	:	
For: LOCALIZING ERROR DETECTION	:	
AND RECOVERY	:	

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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Michael D. Downs
Five High Ridge Park
Stamford CT 06905

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AUG 0 9 2005

OFFICE OF PETITIONS

In re Application of	:	
Walker, et al.	:	
Application No.: 11/026,222	:	DECISION
Filed: May 13, 2005	:	
Docket No.: 04-060	:	
For: METHODS AND APPARATUS FOR FACILITATING INTERACTION WITH A GAMING DEVICE	:	

This decision is in response to the "PETITION UNDER 37 C.F.R. 1.47(a) TO REQUEST ACCEPTANCE OF NATIONAL APPLICATION WITHOUT PARTICIPATION OF ONE OR MORE INVENTORS."

The petition is hereby **GRANTED**.

A review of the official application file reveals that the instant application is a continuation in part of 10/112,712 and that said application was accorded Rule 47 status.

In accordance with 37 CFR 1.63(d)(3), where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under § 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by: (i) A copy of the decision granting a petition to accord § 1.47 status to the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under § 1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c); and (ii) If one or more inventor(s) or legal representative(s) who refused to join in the prior application or could not be found or reached has subsequently joined in the prior application or another application of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c), a copy of the subsequently executed oath(s) or declaration(s) filed by the inventor or legal representative to join in the application.

A copy of the declaration and decision according Rule 47 status in application No. 10/112,712 have been placed in the official application file of application No. 11/026,222.

As Rule 1.47(a) status was granted in the prior application, this application is hereby accorded Rule 1.47(b) status.

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 continuation application.

This application is being returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
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Paper No. 5

MICHAEL S. DOWNS
WALKER DIGITAL
FIVE HIGH RIDGE PARK
STAMFORD CT 06905

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MAR 19 2003

OFFICE OF PETITIONS

In re Application of
Walker et al.
Application No. 10/112,712
Filed: March 29, 2002
Attorney Docket No. 02-003
For: SYSTEM AND METHOD FOR ADVERTISING/SALES AT A GAMING DEVICE

DECISION GRANTING PETITION UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed August 12, 2002. Petitioner obtained a one-month extension of time to reply. Accordingly, the petition is timely filed. The application file was recently forwarded to the Office of Petitions for a decision on the petition. The Office sincerely apologizes for any inconvenience.

The petition is granted.

Petitioner has shown that Thomas M. Sparico, the non-signing inventor, has refused to join in the filing 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 address given in the present petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

AUG 12 2002
TRADEMARK OFFICE

Docket No.
02-003

#4

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

SYSTEM AND METHOD FOR ADVERTISING/SALES AT A GAMING DEVICE

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on March 29, 2002 as United States Application No. or PCT International Application Number 10/112,712

and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)			Priority Not Claimed
(Number)	(Country)	(Day/Month/Year Filed)	☐
(Number)	(Country)	(Day/Month/Year Filed)	☐
(Number)	(Country)	(Day/Month/Year Filed)	☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)	(Filing Date)
(Application Serial No.)	(Filing Date)
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

09/521,869	March 8, 2000	Patented
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
08/769,085	December 18, 1996	Patented
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

22927
PATENT TRADEMARK OFFICE

Send Correspondence to: Michael D. Downs
Walker Digital, LLC
Five High Ridge Park
Stamford, CT 06905

Direct Telephone Calls to: *(name and telephone number)*
Michael D. Downs (203) 461-7292

Full name of sole or first inventor **Jay S. WALKER**
Sole or first inventor's signature Date **June 4, 2002**
Residence **124 Spectacle Lane, Ridgefield, CT 06877**
Citizenship **U.S.A.**
Post Office Address s/a

Full name of second inventor, if any **James A. JORASCH**
Second inventor's signature Date **June 4, 2002**
Residence **75 Forest Street, Apartment 5G, Stamford, CT 06901**
Citizenship **U.S.A.**
Post Office Address s/a

Full name of third inventor, if any **Thomas M. SPARICO**
Third inventor's signature Date **May , 2002**
Residence **525 East 72nd Street, Apartment 23-F, New York, NY 10021**
Citizenship **U.S.A.**
Post Office Address **s/a**

Full name of fourth inventor, if any **Stephen C. TULLEY**
Fourth inventor's signature Date June ~~May~~ 4 , 2002
Residence **115 Ruane Street, Fairfield, CT** 06824
Citizenship **U.S.A.**
Post Office Address **s/a**

Full name of fifth inventor, if any **Michael D. DOWNS**
Fifth inventor's signature Date **May , 2002**
Residence **94 Southfield Avenue, #601, Stamford, CT 06902**
Citizenship **U.S.A.**
Post Office Address **s/a**

Full name of sixth inventor, if any
Sixth inventor's signature Date
Residence
Citizenship
Post Office Address

Full name of third inventor, if any **Thomas M. SPARICO**
Third inventor's signature Date **June , 2002**
Residence **525 East 72nd Street, Apartment 23-F, New York, NY 10021**
Citizenship **U.S.A.**
Post Office Address **s/a**

Full name of fourth inventor, if any **Stephen C. TULLEY**
Fourth inventor's signature Date **June , 2002**
Residence **115 Ruane Street, Fairfield, CT 06430**
Citizenship **U.S.A.**
Post Office Address **s/a**

Full name of fifth inventor, if any **Michael D, DOWNS**
Fifth inventor's signature Date Michael D Downs **June 4 , 2002**
Residence **94 Southfield Avenue, #601, Stamford, CT 06902**
Citizenship **U.S.A.**
Post Office Address **s/a**

Full name of sixth inventor, if any
Sixth inventor's signature Date
Residence
Citizenship
Post Office Address

DAC /IFW

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AUG 19 2005

Michael D. Downs
Five High Ridge Park
Stamford CT 06905

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AUG 09 2005

OFFICE OF PETITIONS

In re Application of	:	
Walker, et al.	:	
Application No.: 11/026,222	:	DECISION
Filed: May 13, 2005	:	
Docket No.: 04-060	:	
For: METHODS AND APPARATUS FOR FACILITATING INTERACTION WITH A GAMING DEVICE	:	

This decision is in response to the "PETITION UNDER 37 C.F.R. 1.47(a) TO REQUEST ACCEPTANCE OF NATIONAL APPLICATION WITHOUT PARTICIPATION OF ONE OR MORE INVENTORS."

The petition is hereby **GRANTED**.

A review of the official application file reveals that the instant application is a continuation in part of 10/112,712 and that said application was accorded Rule 47 status.

In accordance with 37 CFR 1.63(d)(3), where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under § 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by: (i) A copy of the decision granting a petition to accord § 1.47 status to the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under § 1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c); and (ii) If one or more inventor(s) or legal representative(s) who refused to join in the prior application or could not be found or reached has subsequently joined in the prior application or another application of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c), a copy of the subsequently executed oath(s) or declaration(s) filed by the inventor or legal representative to join in the application.

A copy of the declaration and decision according Rule 47 status in application No. 10/112,712 have been placed in the official application file of application No. 11/026,222.

As Rule 1.47(a) status was granted in the prior application, this application is hereby accorded Rule 1.47(b) status.

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 continuation application.

This application is being returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DXDT ENGINEERING AND RESEARCH
ATTN: DR. CHRISTOPHER D. HEKIMIAN
20140 SCHOLAR DRIVE, TIC 213
HAGERSTOWN MD 21742

RECEIVED
MAR 30 2007
OFFICE OF PETITIONS
CANCELLED

In re Application of :
Christopher David Hekimian :
Application No. 11/026,240 :
Filed: January 3, 2005 :
Attorney Docket No. None :

ON PETITION

COPY MAILED
MAR 30 2007
OFFICE OF PETITIONS

This is a decision on the petition under 37 CFR 1.137(b), filed November 22, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b)[1] must be accompanied by: (1) the required reply,[2] unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). **The instant petition lack(s) item(s) (1) and (2).**

As to item (1), the required reply not submitted. A copy of the Nonfinal Rejection mailed May 3, 2006 is attached as requested.

---

[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.

As to item (2), Petitioner submitted a total of $665 for the instant petition. However, the current fee for a petition under 37 CFR 1.137(b), at the small entity rate is $750.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:

Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: COPY OF NONFINAL REJECTION MAILED MAY 3, 2006

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.
11/026,240	01/03/2005	Christopher David Hekimian		8660

7590 05/03/2006

DXDT Engineering and Research
Attn: Dr. Christopher D. Hekimian
20140 Scholar Drive, TIC 213
Hagerstown, MD 21742

EXAMINER	
DONAHOE, CASEY D	
ART UNIT	**PAPER NUMBER**
3732	

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	11/026,240	HEKIMIAN, CHRISTOPHER DAVID	
	Examiner	Art Unit	
	Casey Donahoe	3732	

-- 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 _____.

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) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *4-7* is/are allowed.

6)☒ Claim(s) *1-3 and 8-10* 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-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/3/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 10 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claim 10 not been further treated on the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 8, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the relationship between the semi-persistent dye and the visual distinction between worn and unworn elastic bands. It is not completely clear from the claim language that the dilution of the semi-persistent dye results in the visibly distinctive effect on the elastic band.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Because claim 10 is a dependent claim, the limitations of the corresponding independent claims must be considered, including the structural

component providing an elastic band. Claim 10 attempts to broaden the scope of the already established claims by negating the limitations referring to the elastic bands. Dependent claims may only narrow existing claims. Examiner recommends rewriting claim 10 in independent form.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Masel (US 5,674,067).

Masel discloses a container including a plurality of independently identifiable and accessible compartments.

Claims 8 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Abolfathi et al. (US 2006/0068353).

Abolfathi discloses a replaceable, force exerting orthodontic member including a semi-persistent dye (204), which diffuses in the mouth becoming visibly distinct from a member, which hasn't been worn, by a diminished color (paragraphs 35-36). The members are all produced of uniform color to be aesthetically pleasing when worn.

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.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masel (US 5,674,067) in view of Abolfathi et al.

Masel discloses an elastic band with a coating layer of flavoring substance, which dissolves over time. This flavoring is intended to induce compliance among the patient in wearing and changing their orthodontic bands. Masel fails to disclose a semi-persistent dye. Abolfathi et al., as described above, also discloses a soluble substance mechanism for inducing compliance on a different type of replaceable orthodontic appliance. This color fading mechanism provides self-monitoring for the patient and indicates compliance to the orthodontist (paragraph 14). It would have been obvious to one of ordinary skill in the art at the time of the invention to coat the elastic band disclosed by Masel with a semi-persistent dye as well as a flavoring agent in order that

not only the patient, but the orthodontist may monitor compliance of elastic bands. This mechanism also provides more visual and clearly interpretable feedback to the patient than the amount of flavor remaining.

Allowable Subject Matter

Claims 4-7 are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Harwell (US 5,505,616) and Edwards (US 5,887,719) are made of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Casey Donahoe whose telephone number is (571) 272-2812. The examiner can normally be reached on Monday - Thursday (7:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272 -4720. 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).

Casey Donahoe
Examiner
Art Unit 3732

CD
5/1/06

***

Ralph A. Lewis
Primary Examiner
AU3732

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LIEBERMAN & BRANDSDORFER, LLC
802 STILL CREEK LANE
GAITHERSBURG MD 20878

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DEC 03 2007

OFFICE OF PETITIONS

In re Application of :
Christopher David Hekimian :
Application No. 11/026,240 : DECISION GRANTING PETITION
Filed: January 3, 2005 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 1218-202 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 28, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Nonfinal Rejection of May 3, 2006, is accepted as having been unintentionally delayed.

Applicant may request a refund of the fee ($665) submitted with the petition on November 22, 2006, by writing to the Office of Finance Refund Section. A copy of this decision should accompany the request.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center AU 3732.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE, SC 29602-1449

Mail Date: 04/21/2010

Applicant	: Gil Bernard Garnier	: DECISION ON REQUEST FOR
Patent Number	: 7670459	: RECALCULATION of PATENT
Issue Date	: 03/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/026,252	: OF WYETH
Filed	: 12/29/2004	:
		:

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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MHKKG/Oracle (Sun)
P.O. BOX 398
AUSTIN, TX 78767

Mail Date: 04/20/2010

Applicant	: Mark S. Moir	: DECISION ON REQUEST FOR
Patent Number	: 7577798	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/026,255	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/30/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **542** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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PATENT DOCKET ADMINISTRATOR
LOWENSTEIN SANDLER PC
65 LIVINGSTON AVENUE
ROSELAND NJ 07068

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OFFICE OF PETITIONS

In re Application of	:	
Becker et al.	:	DECISION ON PETITION
Application No. 11/026,260	:	TO WITHDRAW
Filed: December 30, 2004	:	FROM RECORD
Attorney Docket No. 16535-6	:	

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 20, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

Further, the Office will only accept correspondence address changes 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, the most current address information provided for the *first named inventor*.

Petitioner requested the correspondence address to be changed to that of Carl G. Lopp, the *third named inventor* in the instant application. Accordingly, all future communications from the Office will continued to be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Additionally, the application became abandoned for failure to timely respond to the non-final Office action mailed December 11, 2008.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

Mail Date: 04/20/2010

Applicant	: Charles Douglas MacPherson	: DECISION ON REQUEST FOR
Patent Number	: 7584701	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/026,265	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/30/2004	: 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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OSHA LIANG L.L.P.
1221 MCKINNEY STREET
SUITE 2800
HOUSTON TX 77010

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OFFICE OF PETITIONS

In re Application of	:	
Kenji Nagashima	:	
Application No. 11/026,271	:	DECISION GRANTING PETITION
Filed: December 30, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 04536/061001	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 2, 2007, and resubmitted on October 4, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 28, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2627 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed 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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CATHERINE POLIZZI
MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

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NOV 23 2007

OFFICE OF PETITIONS

In re Application of :
Nurith Kurn, et al. :
Application No. 11/026,280 : DECISION ON PETITION
Filed: December 29, 2004 : TO WITHDRAW
Attorney Docket No. 492692001600 : 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, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on July 31, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: ROBERT H. REAMEY, PHD
WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304

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PATENT ADVISORS OFFICE
WESTERN REGIONAL RESEARCH CENTER
800 BUCHANAN ST
ALBANY CA 94710

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AUG 2 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Cohen et al.	:	
Application No. 11/026,283	:	ON PETITION
Filed: December 30, 2004	:	
Attorney Docket No. 0126.03	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 2, 2009, to revive the above-identified application.

The petition is **GRANTED**.

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 of March 20, 2007. A three-month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained on September 20, 2007. Accordingly, the date of abandonment of this application is September 21, 2007. A Notice of Abandonment was mailed May 13, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a 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 the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 3643 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
Petitions Examiner
Office of Petitions

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AUG 1 9 2005

OFFICE OF PETITIONS

In re Application of
Arguello et al.
Application No. 11/026,308
Filed: December 30, 2004
Attorney Docket No. CRD-5174USNP
For: Distal Protection Device with Improved Wall Apposition

DECISION REFUSING TO ACCORD STATUS UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed May 11, 2005.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)." **Failure to respond will result in abandonment of the application.**

Petitioner has failed to prove non-signing inventor Huisun Wang cannot be found or reached after diligent effort.

Petitioner states phone calls were made to petitioner's last known home and work phone numbers, but fails to state any other attempts made to locate Wang. Were letters sent to his last known mailing address? Was directory assistance contacted to determine a new phone number? Were searches made for addresses or phone numbers using the internet?

Any request for reconsideration should discuss new steps which have been taken to locate Wang. If Wang is located and signs a declaration, the declaration can be filed with the request for reconsideration in lieu of a showing of steps taken to locate Wang.

As a courtesy, the Office supplies the following information which *may* be able to assist petitioner. The information does not release petitioner from the obligation to exercise diligent effort to find the nonsigning inventor.

An internet search indicates that a Huisun Wang, who previously lived at the address listed on the petition, currently resides at one of the two following addresses:

6275 Fernbrook Lane
Oseo, MN 55311-4155

3680 Lancaster Lane, Apt. 204
Minneapolis, MN 55441-1888

A current telephone number for Mr. Wang *might* be (763) 544-2814.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

If a request for reconsideration is filed, and a decision on the new petition is not received within three months, petitioner may wish to call the number below to check on the status of the renewed petition.

Telephone inquiries concerning the instant decision should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

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FEB 10 2006

OFFICE OF PETITIONS

In re Application of
Arguello et al.
Application No. 11/026,308
Filed: December 30, 2004
Attorney Docket No. CRD-5174USNP
For: Distal Protection Device with Improved Wall Apposition

DECISION REFUSING TO ACCORD STATUS UNDER 37 CFR 1.47(a)

This is a decision on the renewed petition under 37 CFR 1.47(a), filed October 19, 2005.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)." **Failure to respond will result in abandonment of the application.**

Further review of the declaration signed by four of the five inventors indicates the signed declaration does not list address or citizenship information for non-signing inventor Wang.

The address information could simply be added via an Application Data Sheet. Unfortunately, the citizenship information can only be added by having the four signing inventors execute a new declaration which includes the citizenship information for Wang.

A new, executed declaration should be filed.

Further correspondence with respect to this matter should be addressed as follows:

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By facsimile: (571) 273-8300
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Charles Steven Brantley
Petitions Attorney
Office of Petitions

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FEB 0 5 2007

OFFICE OF PETITIONS

In re Application of	:	
Arguello et al.	:	Decision Noting Joinder of Inventor and
Application No. 11/026,308	:	Decision Dismissing Any Request for
Filed: December 30, 2004	:	Status Under 37 CFR 1.47 as Moot
Atty. Docket No. CRD-5174USNP	:	and
For: Distal Protection Device	:	Decision Dismissing Petition Under
With Improved Wall	:	37 CFR 1.137(b) as Moot
Apposition	:	

This is a decision a decision in response to papers filed September 8, 2006. The papers included a reply to a prior decision dismissing a petition under 37 CFR 1.47(a) and a petition under 37 CFR 1.137(b).

The reply to the February 10, 2006 decision dismissing the prior petition under 37 CFR 1.47(a):

The instant papers include a Declaration signed by the previously non-signing inventor in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under Rule 1.47(a) is unnecessary.

Therefore, the petition under 37 CFR 1.47(a) is **dismissed as moot**.

The petition under 37 CFR 1.137(b):

When a petition to revive is filed within the maximum extendable period of time to reply to the prior Office action, the petition to revive will be dismissed as moot and the petition will be treated as a request for an extension of time.

The petition is **dismissed as moot** because the application is not abandoned.

A decision dismissing a petition under 37 CFR 1.47(a) was mailed February 10, 2006. The decision set a *non-statutory* period for reply of two (2) months. The decision stated extensions of time under 37 CFR 1.136(a) would be permitted. Since the decision set a non-statutory period for reply, the period of time could be extended by up to five (5) months. In other words, a reply could be timely filed as late as September 10, 2006, with payment for a five-month extension of time.

The petition fee will be applied towards the fee required to obtain a five-month extension of time. The remaining fee due of $660 will be charged to petitioner's deposit account.

Technology Center Art Unit 3734 will be informed of the instant decision to ensure the examiner knows the application is not, and has never been, abandoned.

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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AUG 16 2005

OFFICE OF PETITIONS

In re Application of
Park et al.
Application No. 11/026,309
Filed: December 30, 2004
Attorney Docket No. CRD-5173USNP
For: Distal Protection Filter with Improved Wall Apposition

DECISION REFUSING TO ACCORD STATUS UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed May 26, 2005.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)." **Failure to respond will result in abandonment of the application.**

Petitioner has failed to prove non-signing inventor Huisun Wang cannot be found or reached after diligent effort.

Petitioner states phone calls were made to petitioner's last known home and work phone numbers, but fails to state any other attempts made to locate Wang. Were letters sent to his last known mailing address? Was directory assistance contacted to determine a new phone number? Were searches made for addresses or phone numbers using the internet?

Any request for reconsideration should discuss new steps which have been taken to locate Wang. If Wang is located and signs a declaration, the declaration can be filed with the request for reconsideration in lieu of a showing of steps taken to locate Wang.

As a courtesy, the Office supplies the following information which *may* be able to assist petitioner. The information does not release petitioner from the obligation to exercise diligent effort to find the nonsigning inventor.

An internet search indicates that a Huisun Wang, who previously lived at the address listed on the petition, currently resides at one of the two following addresses:

6275 Fernbrook Lane
Oseo, MN 55311-4155

3680 Lancaster Lane, Apt. 204
Minneapolis, MN 55441-1888

A current telephone number for Mr. Wang *might* be (763) 544-2814.

Further correspondence with respect to this matter should be addressed as follows:

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Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

If a request for reconsideration is filed, and a decision on the new petition is not received within three months, petitioner may wish to call the number below to check on the status of the renewed petition.

Telephone inquiries concerning the instant decision should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

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FEB 10 2006

OFFICE OF PETITIONS

In re Application of
Park et al.
Application No. 11/026,309
Filed: December 30, 2004
Attorney Docket No. CRD-5173USNP
For: Distal Protection Filter with Improved Wall Apposition

DECISION REFUSING TO ACCORD STATUS UNDER 37 CFR 1.47(a)

This is a decision on the renewed petition under 37 CFR 1.47(a), filed October 19, 2005.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)." **Failure to respond will result in abandonment of the application.**

Further review of the declaration signed by four of the five inventors indicates the signed declaration does not list address or citizenship information for non-signing inventor Wang.

The address information could simply be added via an Application Data Sheet. Unfortunately, the citizenship information can only be added by having the four signing inventors execute a new declaration which includes the citizenship information for Wang.

A new, executed declaration should be filed.

Further correspondence with respect to this matter should be addressed as follows:

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By facsimile: (571) 273-8300
Attn: Office of Petitions

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Charles Steven Brantley
Petitions Attorney
Office of Petitions

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In re Application of
Park et al.
Application No. 11/026,309
Filed: December 30, 2004
Attorney Docket No. CRD-5173USNP
For: Distal Protection Filter with Improved Wall Apposition

DECISION REFUSING TO ACCORD STATUS UNDER 37 CFR 1.47(a)

This is a decision on the renewed petition under 37 CFR 1.47(a), filed July 31, 2006.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)." **Failure to respond will result in abandonment of the application.**

Inventorship is determined at the time an oath or declaration signed by any of the inventors is filed. The inventors of record are Jin S. Park, Wang Huisan, and Christopher William Widenhouse.

Petitioner has supplied a copy of the declaration signed by the previously non-signing inventor. As a result, the petition would normally be dismissed as moot and the declaration entered. Unfortunately, the name of the inventor was changed on the declaration from "Wang Huisan" to "Huisan Wang."

MPEP 605.04(b) states,

> Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee. Since amendments are not permitted after the payment of the issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the name of the inventor cannot be granted if filed after the payment of the issue fee.

A declaration listing the name "Huisan Wang" may only be accepted upon the submission of a grantable petition under 37 CFR 1.182. The petition should clearly state the proper name for the second inventor and state the failure to list a correct name was unintentional. The petition should include the required fee of $200.

If a grantable petition under 37 CFR 1.182 is filed, the inventor's name will be changed and the petition under 37 CFR 1.47(a) will be dismissed as moot.

The Office incorrectly charged $130 to petitioner's deposit account on August 1, 2006. The $130 will be credited back to petitioner's deposit account.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning the instant decision should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

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JUN 0 4 2007

OFFICE OF PETITIONS

In re Application of	:	Decision on Rule 182 Petition and
Park et al.	:	Decision Noting Joinder of Inventor and
Application No. 11/026,309	:	Decision Dismissing Any Request for
Filed: December 30, 2004	:	Status Under 37 CFR 1.47 as Moot
Atty. Docket No. CRD-5173USNP	:	

This is a decision in response to the petition under 37 CFR 1.182 filed January 16, 2007, and to the declaration filed January 16, 2007, in response to a prior decision refusing to accord status under 37 CFR 1.47(a) mailed on November 13, 2006.

The petition under 37 CFR 1.182 is **granted**.

The petition under 37 CFR 1.47(a) is **dismissed as moot**.

The petition under 37 CFR 1.182:

Petitioner requests the name of an inventor be corrected from "Wang Huisun" to "Huisun Wang".

Petitioner has satisfied the requirements of 37 CFR 1.182 and the inventor's name has been changed.

Enclosed is a corrected filing receipt listing the correct name for the inventor.

The petition under 37 CFR 1.47:

The papers filed January 16, 2007, include a Declaration signed by the previously non-signing inventor in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under Rule 1.47(a) is unnecessary.

The Office of Initial Patent Examination will be informed of the instant decision so that it may continue taking steps 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

Enclosed: 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	TOT CLMS	IND CLMS
11/026,309	12/30/2004	3731	3730	CRD-5173USNP	60	6

CONFIRMATION NO. 6725

CORRECTED FILING RECEIPT

OC000000024169791

27777
PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

Date Mailed: 05/31/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Jin S. Park, Parsippany, NJ;
Huisun Wang, Maple Grove, MN;
Christopher William Widenhouse, Cincinnati, OH;

Power of Attorney: The patent practitioners associated with Customer Number **000027777**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 02/19/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/026,309

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Distal protection filter with improved wall apposition

Preliminary Class

606

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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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 04/21/2010

Applicant	: Randolf Werner	: DECISION ON REQUEST FOR
Patent Number	: 7591006	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/026,323	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1170** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE, WA 99201

MAILED

JUN 25 2010

OFFICE OF PETITIONS

In re Application of :
Michael J. McCormack, et al. :
Application No.: 11/026,349 : ON PETITION
Filed: December 30, 2004 :
Attorney Docket No.: MS1-2305US :

This is a decision on the petition, filed June 24, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 14, 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2173 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

[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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(F/K/A WORKMAN NYDEGGER & SEELEY)
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY UT 84111

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OFFICE OF PETITIONS

In re Application of :
GUENTER, et al. :
Application No. 11/026,355 : DECISION ON PETITION
Filed: December 12, 2004 : TO MAKE SPECIAL UNDER
Attorney Docket No. 15436.679 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 25, 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 an affidavit from James R. Biard attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at 571-272-7253.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2828 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : January 27, 2010

TO SPE OF : ART UNIT 2828

SUBJECT : Request for Certificate of Correction for Appl. No.: 11026355 Patent No.: 7418021

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 – 9D40-C
Palm Location 7580

_____
Certificates of Correction Branch

703-756-1573

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: _____

_____

_____

_____

_____

MINSUN OH HARVEY
PRIMARY EXAMINER

_____ _____
SPE **Art Unit**

2828

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JOHNSON & JOHNSON
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NEW BRUNSWICK, NJ 08933-7003

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MAY 2 6 2005

OFFICE OF PETITIONS

In re Application of :
Edward Arguello, Huisun Wang, Christopher :
William Widenhouse and Lalith Hiran :
Wijeratne :
Application No. 11/026,377 : DECISION REFUSING STATUS
Filed: December 30, 2004 : UNDER 37 CFR 1.47(a)
Title: DISTAL PROTECTION APPARATUS :
WITH IMPROVED WALL APPOSITION :

This is in response to the "Petition Under 37 CFR 1.47(a)," filed May 11, 2005.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on December 30, 2004 without an executed oath or declaration and naming Edward Arguello, Huisun Wang, Christopher William Widenhouse and Lalith Hiran Wijeratne as joint inventors.

Accordingly, on February 18, 2005, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration, and a surcharge for its late filing.

In response, on May 11, 2005, the instant petition and a one (1) month extension of time were filed.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. " 115 and 116;

(3) the petition fee; and

(4) a statement of the last known address of the non-signing inventor.

Applicant lacks items (1) and (2), as set forth above.

As to item (1), Rule 47 applicant has failed to show that the inventor cannot be reached or located. Applicant has stated that calls were made to the telephone number of record, but that there was no answer and the phone was later disconnected. However, applicant has not submitted a statement of facts that describes any diligent efforts applicant has used to locate the non-signing inventor thereafter.

Where inability to find or reach a non-signing inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, telephone directory searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the non-signing inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the non-signing inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions. See MPEP 409.03(d).

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The declaration does not set forth the citizenship, residence or mailing address 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 related to this decision should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
United States Patent and Trademark Office

OIPE JC19 MAY 11 2005 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Edward Arguello, et. al., Cordis Corporation

Examiner: Unknown **Docket:** CRD-5175USNP

Serial No: 11/026,377 **Group Art Unit:** 3731

Filed: December 30, 2004 **Dated:** May 11, 2005

For: Distal Protection Apparatus with Improved Wall Apposition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. 1.47(a)

Applicants submit this Petition Under 37 C.F.R. 1.47(a) to enter the Oath/Declaration filed with the above-identified Application on December 30, 2004 and authorize further prosecution of this Application based on the Oath/Declaration, which omitted the signature of a joint inventor, to wit, Huisun (Vincent) Wang, who has been otherwise unavailable to join in the Application.

Submitted herewith and in support of this Petition are the following:

1) A Statement of Facts showing reasonable and diligent efforts to obtain an Oath/Declaration bearing the signature of the non-signing inventor, Huisun (Vincent) Wang.

2) A copy of the Oath/Declaration filed with the Application and bearing the signatures of all other joint inventors Edward Arguello, Christopher William Widenhouse, and Lalith Wijeratne on behalf of themselves and on behalf of the non-signing inventor, Huisun (Vincent) Wang.

3) The fee set forth in § 1.17(g) ($ 200.00), required by *37 C.F.R. § 1.47(a)*, is paid as follows:
Authorization is hereby made to charge the amount of $200.00 to Deposit Account No. 10-0750/CRD5175/CJE.

Please charge any additional fees required by this paper or credit any overpayment in the manner authorized above. A duplicate of this paper is attached.

Accordingly, granting of this Petition, entry of the Oath/Declaration filed with the Application identified above and further prosecution of this matter notwithstanding the missing signature of the joint inventor from the Oath/Declaration are respectfully requested. Should anything further be determined desirable to place this Application in even better form for allowance, the Office is invited to please contact the undersigned at the telephone number indicated below.

Respectfully submitted,

Carl Evens, Assistant Secretary,
Cordis Corporation,
USPTO Reg. No.: 33,874

Date: May 11, 2005

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OFFICE OF PETITIONS

In re Application of :
Edward Arguello, Huisun Wang, :
Christopher William Widenhouse and :
Lalith Hiran Wijeratne :
Application No. 11/026,377 :
Filed: December 30, 2004 :
Title: DISTAL PROTECTION APPARATUS :
WITH IMPROVED WALL APPOSITION :

DECISION GRANTING PETITION
UNDER 37 CFR 1.47(a)

This is in response to the "Request For Reconsideration of Petition Under 37 CFR 1.47(a)," filed July 21, 2005.

The petition is **granted**.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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HUISUN (VINCENT) WANG
14945 SW 22 ST.
MIRAMAR, FL 33027

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AUG 0 3 2005

OFFICE OF PETITIONS

In re Application of
Edward Arguello, Huisun Wang, Christopher William Widenhouse and Lalith Hiran Wijeratne
Application No. 11/026,377
Filed: December 30, 2004
Title: DISTAL PROTECTION APPARATUS WITH IMPROVED WALL APPOSITION

Dear HUISUN (VINCENT) WANG:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3228. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
United States Patent and Trademark Office

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ONE JOHNSON & JOHNSON PLAZA
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767 THIRD AVENUE
25TH FLOOR
NEW YORK NY 10017-2023

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APR 14 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
FISHER, DAVID
Application No. 11/026,384
Filed: December 30, 2004
For: **FACILITY AND METHOD FOR CROWD SCREENING AND PROTECTION**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the Petition To Make Special under MPEP 708.02, XI: Invention for Countering Terrorism, filed March 21, 2005.

A grantable petition to make an application special under 37 C.F.R. § 1.102(d), and in accordance with MPEP 708.02, XI, for an invention which contributes to the countering of terrorism must be accompanied by a statement explaining how the invention contributes to countering terrorism. Examples of the types of technology for countering terrorism are set forth in MPEP 708.02, XI as including, but not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems.

The petition meets the requirements set forth above.

Accordingly, the petition is **GRANTED**.

The application file is being forwarded to the examiner for expedited action in its turn.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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September 2005

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100 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

SEP 0 7 2005

In re Application of:
JAMES GUENTER ET AL.
Serial No.: 11/026,385
Filed: 30 December 2004
Docket: 15436.682

DECISION ON PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(c): AGE OF INVENTOR

This is a decision on the petition filed on April 25, 2005, to make the above-identified application special on the ground of prospective manufacture under the procedure set forth in MPEP § 708.02(IV) in accordance with 37 C.F.R. § 1.102(c).

The petition to make the application special is **GRANTED**.

In support of the petition, petition provides the requisite statement by the applicant that the applicant is more than 65 years of age.

The requirements of MPEP § 708.02(IV) are considered to have been met. The application will be advanced out of turn for examination, and will continue to be treated as special throughout the entire prosecution in the Office according to the procedure set forth in MPEP § 708.02.

The application file is being forwarded to the examiner for expedited prosecution.

If the examiner finds any interfering application for the same subject matter, he/she should consider such application simultaneously with this application and should state in the official letter of such application that he/she is taking it out of its turn because of possible interference.

Should an appeal be taken in this application or should this application becomes involved in an interference, consideration of the appeal and the interference will be expedited by all Patent and Trademark Office officials concerned, contingent likewise upon diligent prosecution by the applicant.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.

Hien H. Phan, Special Program Examiner
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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DLA PIPER LLP (US)
4365 EXECUTIVE DRIVE
SUITE 1100
SAN DIEGO, CA 92121-2133

Mail Date: 06/01/2010

Applicant	: David C. Boisvert	: DECISION ON REQUEST FOR
Patent Number	: 7635754	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/026,396	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **286** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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FANN-MKE C/O
FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

Mail Date: 04/21/2010

Applicant	: Jeffrey L. Arpin	: DECISION ON REQUEST FOR
Patent Number	: 7657475	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/026,433	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/30/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1182** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498

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OCT 17 2008

OFFICE OF PETITIONS

In re application of :
Timm John Fenton et al :
Application No. 11/026,440 : NOTICE
Filed: December 30, 2004 :
Attorney Docket No. A36429-072841.0266 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This 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) 272-3208.

Karen Creasy
Petitions Examiner
Office of Petitions

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CONLEY ROSE, P.C.
5601 GRANITE PARKWAY, SUITE 750
PLANO, TX 75024

Mail Date: 06/11/2010

Applicant	: Martin G.A. Guthrie	: DECISION ON REQUEST FOR
Patent Number	: 7663338	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/026,443	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/30/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1136** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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CRAIG OLOFSON
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JAN 19 2006

OFFICE OF PETITIONS

In re Application of :
Troy William Ramsey :
Application No. 11/026,453 : ON PETITION
Filed: December 29, 2004 :
Title: Self-Applied Pressure Dressing :

This is a decision on the petition to revive under 37 CFR 1.137(a), filed December 5, 2005.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely reply to the Notice to File Corrected Application Papers mailed February 25, 2005. This notice set a period for reply of two (2) months for applicant to submit a correct drawing. Extensions of time under 37 CFR 1.136(a) were available. No corrected drawing having been received, and no extensions of time having been obtained, the above-identified application became abandoned on April 26, 2005. A Notice of Abandonment was mailed on October 27, 2005.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 CFR 1.17(l); and (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable. The instant petition lacks item (3).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable: "The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."[1]

Moreover, delay resulting from the lack of knowledge or improper application of the patent statutes, rules of practice or the Manual of Patent Examining Procedure, however, does not constitute "unavoidable" delay.[2]

With regards to item (3), petitioner explains that he was serving with the US Army Special Forces in Iraq from February 6, 2005 to June 2, 2005. In support thereof, petitioner has included a copy of a travel voucher. Accordingly, the issue of petitioner's absence during the period from February 6, 2005 to June 2, 2005 is not in dispute. Assuming *arguendo* that the delay from April 25, 2005 to June 2, 2005 can be categorized as unavoidable, petitioner has not satisfactorily explained why the period from June 3, 2005 until December 5, 2005 should be categorized as such. 37 CFR 1.137(a)(3) requires 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 was unavoidable (emphasis added).

When petitioner returned to the United States on June 2, 2005, petitioner could still have timely responded to the Notice to File Corrected Application Papers by purchasing a two month extension of time under 37 CFR 1.136(a). Moreover, petitioner could have responded to the notice as late as September 25, 2005, with a purchase of the maximum obtainable five month extension of time. Accordingly, an explanation from petitioner is needed to explain why he was "unavoidably" prevented from filing a response to the Notice to File Corrected Application Papers by purchasing an appropriate extension of time.

Alternative Venue and Other Matters:

While the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m), currently

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[1] In re Mattulath, 38 App. D.C. 497, 514-15 (1912)(*quoting* Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

[2] See Haines, 673 F. Supp. at 317, 5 U.S.P.Q. 2d at 1132; Vincent v. Mossinghoff, 230 U.S.P.Q. 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 U.S.P.Q. 1091 (D.D.C. 1981); Potter v. Dann, 201 U.S.P.Q. 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

$1500 ($750 for a small entity); and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. A copy of the form for a petition to revive under 37 CFR 1.137(b) is enclosed for petitioner's convenience.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop 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

cc: Troy William Ramsey
309 N 23rd St
Colorado Springs, CO 80904

Enc: PTO/SB/64 (2 pages)
Privacy Act Statement (1 page)

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CRAIG OLOFSON
PO BOX 2386
LOS GATOS CA 95031

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JUN 0 6 2006

OFFICE OF PETITIONS

In re Application of :
Troy William Ramsey :
Application No. 11/026,453 : ON PETITION
Filed: December 29, 2004 :
Title: Self-Applied Pressure Dressing :

This is a decision on the renewed petition to revive under 37 CFR 1.137(a), filed January 12, 2006.

The petition under 37 CFR 1.137(a) is **GRANTED**.

The above-identified application became abandoned for failure to timely reply to the Notice to File Corrected Application Papers mailed February 25, 2005. This notice set a period for reply of two (2) months for applicant to submit a correct drawing. Extensions of time under 37 CFR 1.136(a) were available. No corrected drawing having been received, and no extensions of time having been obtained, the above-identified application became abandoned on April 26, 2005. A Notice of Abandonment was mailed on October 27, 2005. Applicant filed a petition to revive on December 5, 2005. However, the petition was dismissed in a decision mailed on January 19, 2006.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable: "The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their

most important business."[1]

Moreover, delay resulting from the lack of knowledge or improper application of the patent statutes, rules of practice or the Manual of Patent Examining Procedure, however, does not constitute "unavoidable" delay.[2]

With the petition filed December 5, 2005, petitioner explained that he was serving with the US Army Special Forces in Iraq from February 6, 2005 to June 2, 2005. In support thereof, petitioner included a copy of a travel voucher. The decision mailed January 19, 2006 stated that petitioner still could have responded to the Notice to File Corrected Application Papers as late as September 25, 2005. Accordingly, the decision explained that petitioner needed to account for the period of delay from June 3, 2005, to the filing date of the petition.

With the instant request for reconsideration, petitioner has included a letter from his Commanding Officer, Major Thomas C. Thompson, who stated that: (1) from June 2, 2005 to November 21, 2005, Ramsey was undergoing medical refresher training and pre-mission training; (2) this training was a military necessity for the company's up-coming deployment to Iraq; and (3) the training prevented Ramsey from replying to the Patent Office in a timely manner.

In view of the above, it is concluded that petitioner has met his burden of establishing that the entire period of delay in responding to the Notice to File Corrected Application Papers was unavoidable.

Receipt of the drawing page filed December 5, 2005, is acknowledged.

The matter is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

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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[1] In re Mattulath, 38 App. D.C. 497, 514-15 (1912)(*quoting* Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

[2] See Haines, 673 F. Supp. at 317, 5 U.S.P.Q. 2d at 1132; Vincent v. Mossinghoff, 230 U.S.P.Q. 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 U.S.P.Q. 1091 (D.D.C. 1981); Potter v. Dann, 201 U.S.P.Q. 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

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BAINWOOD HUANG & ASSOCIATES LLC
2 CONNECTOR ROAD
WESTBOROUGH MA 01581

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JUN 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Lauer et al.	:	
Application No.: 11/026454	:	ON PETITION
Filing or 371(c) Date: 12/30/2004	:	
Attorney Docket Number:	:	
1004-020	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed May 14, 2009.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed July 14, 2008. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on October 15, 2008. A Notice of Abandonment was mailed May 6, 2009.

Applicant files the present petition and includes an Amendment in response to the Office action. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment is filed with the present petition; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to Technology Center Art Unit 2432 for processing of the Amendment filed with the petition in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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BAINWOOD HUANG & ASSOCIATES LLC
2 CONNECTOR ROAD
WESTBOROUGH, MA 01581

Mail Date: 08/04/2010

Applicant	: Craig Lauer	: DECISION ON REQUEST FOR
Patent Number	: 7647643	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/026,454	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/30/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1284** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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RESEARCH IN MOTION
ATTN: GLENDA WOLFE
BUILDING 6, BRAZOS EAST, SUITE 100
5000 RIVERSIDE DRIVE
IRVING, TX 75039

Mail Date: 04/27/2010

Applicant	: Gideon Edmund Roberts	: DECISION ON REQUEST FOR
Patent Number	: 7630316	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/026,456	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/30/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **712** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.
11/026,460	12/30/2004	Zeynep Toros	HBES 1014-1	6677

49413 7590 06/07/2010

ESS TECHNOLOGY, INC
C/O HAYNES BEFFEL & WOLFELD LLP
P.O. BOX 366
HALF MOON BAY, CA 94019

EXAMINER
LOKE, STEVEN HO YIN

ART UNIT	PAPER NUMBER
2818	

MAIL DATE	DELIVERY MODE
06/07/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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ESS TECHNOLOGY, INC
C/O HAYNES BEFFEL & WOLFELD LLP
P.O. BOX 366
HALF MOON BAY, CA 94019

IN RE APPLICATION OF
Zeynep Toros et al.
Application No.: 11/026,460
Filed: December 30, 2004
For: METHOD AND APPARATUS FOR CONTROLLING CHARGE TRANSFER IN CMOS SENSORS WITH AN IMPLANT BY THE TRANSFER GATE

DECISION ON PETITION TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84, filed December 30, 2004, requesting acceptance of color drawings.

The petition is GRANTED.

The petition requests that the color drawing identified as figure 32 be accepted in lieu of black and white drawing.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by (1) a fee set forth in 37 C.F.R. § 1.17(h), (2) three (3) sets of color drawings, and the specification must contain the following language as the first paragraph in the 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 was filed with the required fees, three (3) sets of the color drawing figure identified above and the required language in the specification as quoted above. Accordingly, the petition complies with all the requirements under 37 C.F.R. § 1.84(a)(2).

The application is being forwarded to the Office of Publication for issuance of a patent.

Any inquiries regarding this decision should be directed to Steven Loke, Supervisory Patent Examiner, at (571) 272-1657.

Edward Lefkowitz, Acting Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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OFFICE OF PETITIONS

BEVER HOFFMAN & HARMS, LLP
TRI-VALLEY OFFICE
1432 CONCANNON BLVD., BLDG. G
LIVERMORE CA 94550

In re Application of :

Richard L. Gray :
Application No. 11/026,472 : DECISION ON PETITION
Filed: December 29, 2004 : TO WITHDRAW
Attorney Docket No. AME-001-1D : 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 12, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272- 2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Analog Microelectronics, Inc.**
3100 De La Cruz Blvd., Suite 201
Santa Clara, CA 95054-2402

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WADDEY & PATTERSON, P.C.
1600 DIVISION STREET, SUITE 500
NASHVILLE, TN 37203

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OFFICE OF PETITIONS

In re Application of
JUSZKIEWICZ, et al.
Application No. 11/026,475
Filed: December 30, 2004
Attorney Docket No. **N1012**

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 17, 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 Lucian W. Beavers 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.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **HENRY E. JUSZKIEWICZ**
309 PLUS PARK BOULEVARD
NASHVILLE, TN 37217

cc: **MATTHEW W. SIEGAL**
STROOCK, STROOCK & LAVAN, LLP
180 MAIDEN LANE
NEW YORK, NY 10038

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BARRY W CHAPIN ESQ
CHAPIN INTELLECTUAL PROPERTY LAW LLC
WESTBOROUGH OFFICE PARK
1700 WEST PARK DRIVE, SUITE 280
WESTBOROUGH MA 01581

In re Application of :
Deb, et al. :
Application No. 11/026,483 :
Filed: December 30, 2004 :
Attorney Docket No. MIT04-03(11324) :

DECISION GRANTING PETITION

This is a decision on the "PETITION TO WAIVE SIGNATURE REQUIREMENT FOR UNAVAILABLE INVENTOR", filed November 9, 2009, which is being treated as a petition under CFR 1.183 to waive § 131's requirement that all of the inventors sign the declaration of prior inventorship.

The petition under 37 CFR 1.183 is **GRANTED**.

The above-identified application was filed on December 30, 2004. With the application, Applicants submitted a 37 CFR 1.63 declaration signed by both of the inventors. A final Office action was mailed on September 4, 2009. This office action set a shortened statutory period for reply of three months.

In response, on November 9, 2009, applicants submitted a reply and a declaration under 37 CFR 1.131. The 37 CFR 1.131 declaration stated that all of the inventors conceived the

inventive embodiment of the instant application prior to the date of the reference on which the September 4, 2009 rejection was based. However, the 37 CFR 1.131 declaration was only signed by co-inventor Medard. Applicants have filed the instant petition to have the 37 CFR 1.131 declaration entered despite the fact that the declaration was not signed by co-inventor Deb. Applicants have supplied a copy of a letter, transmitting the 37 CFR 1.131 declaration to Deb.

37 CFR 1.131 states, in pertinent part:

> When any claim of an application or a patent under reexamination is rejected, the **inventor** of the subject matter of the rejected claim, the owner of the patent under reexamination, or the party qualified under §§ 1.42, 1.43, or 1.47, may submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference or activity on which the rejection is based.[1]

In addition, the Manual of Patent Examining Procedure states that "an application or declaration by less than all named inventors of an application is accepted where it is shown that less than all named inventors of an application invented the subject matter of the claim or claims under rejection."[2]

Here, there has not been a party qualified under 37 CFR 1.42, 1.43, or 1.47. In addition, the instant application is not the subject of a patent under reexamination. Moreover, it has not been shown that less than all of the named inventors of the application invented the subject matter of the claims under rejection. Accordingly, the only party eligible to sign the 37 CFR 1.131 declaration are co-inventors Medard and Deb.

In order for a petition under 37 CFR 1.183 to be granted, petitioner must demonstrate that this is an extraordinary situation where justice requires waiver of the rules.

The 37 CFR 1.131 declaration was required to be signed by both of the joint inventors. However, only one of the inventors executed the declaration. Applicants have demonstrated that a *bona fide* effort was made to secure the signature of co-inventor Deb, but that Deb has refused to sign. Specifically, applicants have

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[1] 37 CFR 1.131(a) (emphasis added).

[2] MPEP 715.04.

shown that a copy of the declaration was forwarded to Deb, but that no executed declaration was received. Accordingly, it is concluded that applicants have demonstrated that this is an extraordinary situation requiring waiver of the rules.

The 37 CFR 1.131 declaration will be entered, despite the fact that its requirement that all of the inventors sign the declaration has not been satisfied.

As a petition under 37 CFR 1.183 requires a fee of $400. Accordingly, $400 has been charged to Deposit Account No. 50-3735, as authorized.

The application file is being forwarded to Group Art Unit 2614 for consideration of the reply and the 37 CFR 1.131 declaration, filed November 9, 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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Paper No.

SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO BOX 142950
GAINESVILLE FL 32614-2950

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In re Application of	:	
Hong Lae Kim	:	DECISION ON LETTER
Application No. 11/026,486	:	REGARDING
Filed: December 29, 2004	:	PATENT TERM ADJUSTMENT
Atty Docket No. SUN-DA-168T	:	

This letter is in response to the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT," filed on July 14, 2008. Applicant requests that the patent term adjustment be reduced by one (1) day from 652 days to 651 days.

The request for correction of the initial determination of patent term adjustment (PTA) is **GRANTED**. The determination of PTA at the time of the mailing of the Notice of Allowance is six hundred fifty-one (651) days.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment at the time of the mailing of the Notice of Allowance is 651 days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On June 16, 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 six hundred fifty-two (652) days.

The Office initially determined a patent term adjustment of six hundred fifty-two (652) days, pursuant to 35 USC 154(b). This was reduced by no (0) days of applicant delay pursuant to 37 CFR 1.704(b).

Applicant states that the patent term adjustment should be reduced by one (1) day for applicant delay in filing an Information Disclosure Statement (IDS) on March 13, 2008, one

(1) day after filing, on March 12, 2008, a response to a non-final Office action.

Upon review, applicants are correct.

37 CFR 1.704(c)(8) states 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: 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.

After filing a response on March 12, 2008, on March 13, 2008, applicants filed an Information Disclosure Statement (IDS). The IDS filed on March 13, 2008, did not include a statement in accordance with 37 CFR 1.704(d). Further, the IDS was not expressly requested by the examiner within the meaning of 37 CFR 1.704(c)(8).

Accordingly, the IDS filed on March 13, 2008 is considered a failure to engage in reasonable efforts to conclude processing or examination of an application. The patent term adjustment will therefore be reduced one (1) day.

In view thereof, the correct determination of PTA at the time of the mailing of the Notice of Allowance is **six hundred fifty-one (651) days** (652 days of PTO delay, reduced by 1 day 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

PTA Calculations for Application: 11/026486			
Application Filing Date:	12/29/2004	PTO Delay (PTO):	652
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	651
PTO Delay Adjustment:	-1		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
34	12/04/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		1	
27	06/16/2008	MAIL NOTICE OF ALLOWANCE			
26	06/12/2008	ISSUE REVISION COMPLETED			
25	06/12/2008	DOCUMENT VERIFICATION			
24	06/12/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
23	06/09/2008	NOTICE OF ALLOWABILITY			
22	03/13/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
21	04/11/2008	DATE FORWARDED TO EXAMINER			
20	03/12/2008	RESPONSE AFTER NON-FINAL ACTION			
19	03/13/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	12/12/2007	MAIL NON-FINAL REJECTION	652		-1
17	12/10/2007	NON-FINAL REJECTION			
16	12/29/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
14	10/04/2007	CASE DOCKETED TO EXAMINER IN GAU			
13	05/18/2006	CORRESPONDENCE ADDRESS CHANGE			
12	05/18/2006	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
11	07/18/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
10	07/18/2005	CASE DOCKETED TO EXAMINER IN GAU			
9	12/29/2004	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
8	12/29/2004	REFERENCE CAPTURE ON IDS			
		INFORMATION DISCLOSURE STATEMENT (IDS)			

7.7	12/29/2004	FILED			
7	12/29/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
6	04/04/2005	APPLICATION DISPATCHED FROM OIPE			
5	04/04/2005	APPLICATION IS NOW COMPLETE			
4	04/01/2005	CLEARED BY L&R (LARS)			
3	01/28/2005	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
2	01/25/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	12/29/2004	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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DORSEY & WHITNEY LLP
555 CALIFORNIA STREET, SUITE 1000
SUITE 1000
SAN FRANCISCO CA 94104

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NOV 0 8 2006

OFFICE OF PETITIONS

Applicant: Gallop et al.
Appl. No.: 11/026,491
Filing Date: December 30, 2004
Title: SYNTHESIS OF ACYLOXYALKYL CARBAMATE PRODRUGS AND INTERMEDIATES THEREOF
Attorney Docket No.: 34550/US/3
Pub. No.: US 2005/0222431 A1
Pub. Date: October 6, 2005

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on November 23, 2005, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark O. Polutta at (571) 272-7709 (voice).

Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 3/19/08

TO SPE OF : ART UNIT 3662

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/026506 Patent No: 7248215 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: _____

Thomas H Jarvis
SPE

3662
Art Unit

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OFFICE OF PETITIONS

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

In re Application of	:	
Alphonsus G.C.M **UYTDEHAAG**, et al.	:	
Application No. 11/026,518	:	DECISION ON PETITION
Filed: December 30, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. **2578-6448.1US**	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 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, June 15, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 16, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1540; and (3) an adequate statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $120 extension of time fee submitted on March 4, 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 is being referred to Technology Center Art Unit 1656 for consideration of the amendment filed October 15, 2007.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request:	12/24/08	2 Serial/Patent #	11/026,518

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
X	Extension of Time 1251	WFEE	03/04/08	$ 120.00
	Notice of Appeal/Appeal			$
	Petition			$
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND	$ 120.00

8 TO BE REFUNDED BY:

	Treasury Check
X	Credit Deposit A/C #: 9 20--1469

10 REASON:

	Overpayment
	Duplicate Payment
X	No Fee Due (Explanation):

Submitted subsequent to maximum extendable period for reply.

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Monica A. Graves TITLE: Paralegal Specialist

SIGNATURE: /Monica A. Graves/ PHONE: (571) 272-7253

OFFICE: Office of Petitions

****

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APPROVED: KD DATE: 12/31/08

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Office of Finance
Refund Branch
Crystal Park One, Room 802B

FORM PTO 1577
(01/90)

Electronic Patent Application Fee Transmittal

Application Number:	11026518
Filing Date:	30-Dec-2004
Title of Invention:	Overexpression of enzymes involved in post-translational protein modifications in human cells
First Named Inventor/Applicant Name:	Alphonsus G.C.M. Uytdehaag
Filer:	Allen C. Turner/Betty Vowles
Attorney Docket Number:	2578-6448.1US
Filed as Large Entity	

Utility Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 1 month with $0 paid	1251	1	120	120

Adjustment date: 12/31/2008 LDIEP1
03/04/2008 INTEFSW 00007117 201469 11026518
01 FC:1251 120.00 CK

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ADVANTEDGE LAW GROUP, LLC
922 W. Baxter Dr.
Suite 100
South Jordan, UT 84095

Mail Date: 04/20/2010

Applicant	: Randall R. Cook	: DECISION ON REQUEST FOR
Patent Number	: 7620956	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/026,520	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/30/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1358** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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FOLEY & LARDNER LLP
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26TH FLOOR
BOSTON MA 02199-7610

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OFFICE OF PETITIONS

In re Application of	:	
Darrell H. Carney	:	
Application No. 11/026,521	:	ON APPLICATION FOR
Filed: December 30, 2004	:	PATENT TERM ADJUSTMENT
Atty Docket No.	:	
098100-0228	:	

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705," filed on January 5, 2010, 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 454 days, not 191 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). No additional fees are required.

Applicants state that the patent is not subject to a terminal disclaimer.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months

---

[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.

after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Patent No. 7,452,680 :
Issued: November 18, 2008 :
Application No. 11/026,545 : PATENT TERM ADJUSTMENT
Filed: December 30, 2004 :
Dkt. No.: 019282-002410US :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT DETERMINATION UNDER 37 C.F.R. § 1.705(d)," filed January 15, 2009.

The request for reconsideration of patent term adjustment (PTA) is **DISMISSED**.

The above-identified application matured into U.S. Pat. No. 7,452,680 on November 18, 2008. The patent issued with a PTA 484 days. The 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 that the adjustment be increased from 484 days to 808 days.

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 contend that pursuant to Wyeth, a PTO delay under 35 U.S.C. 154(b)(1)(A) overlaps with a delay under 35 U.S.C. 154(b)(1)(B) only if the delays occur on the same day. Patentees' calculation of adjustment asserts that the following adjustments do not overlap: a three year delay by the Office, pursuant to 37 CFR 1.703(b), of 324 days and the period of adjustment due to examination delay, pursuant to 37 CFR 1.702(a), of 484 days. The 324-day period is calculated based on the application having been filed under 35 U.S.C. 111(a) on December 30, 2004, and the patent having been issued on November 18, 2008. Patentees assert that in addition to this 324-day period, they are entitled to a period of adjustment due to examination delay pursuant to 37 CFR 1.702(a) of 484 days.

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 that the total period of Office delay is the sum of the period of three years delay and the period of examination delay, to the extent that these periods of delay are not overlapping. However, in effect, patentees contend that no portion of the three year delay period overlaps with the period of examination delay. Accordingly, patentees submit that the total period of adjustment for Office delay is 808 days (deemed by applicants to be the sum of the period of three year delay (324 days) and the period of examination delay (484 days), reduced by zero days of overlap). As such, patentees assert entitlement to a patent term adjustment of 808 days (324 days *plus* 484 days *less* zero days of overlap *less* zero days of applicant delay).

The Office agrees that as of the time that at the time of issuance of the patent, the application was pending three years and 324 days after its filing date. The three years delay commences the day after the date that is three years after the date that an application is filed, and ends the date that the patent issues, notwithstanding any periods of time excluded pursuant to U.S.C. 154(b)(1)(B)(i)-(iii). The Office agrees that certain action was not taken within a specified time frame, and, thus, the entry of a period of adjustment of 484 days is correct. At issue is whether patentees should accrue an additional 324 days of patent term adjustment for the Office taking in excess of three years to issue the patent as well as 484 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that the period of 324 days of delay in issuing the patent overlaps with the period of examination delay of 484 days. 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].

[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

As such, the period for over three-year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames. In other words, consideration of the overlap does not begin three years after the filing date of the application.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(1)(A) is the entire period during which the application was pending before the Office, December 30, 2004, to the date the patent issued on November 18, 2008. Prior to the issuance of the patent, 484 days of patent term adjustment were accorded for the Office failing to respond within a specified time frame during the pendency of the application. All of the 324 days for Office delay in issuing the patent overlap with the 484 days of Office delay. During that time, the issuance of the patent was delayed by 484 days. The Office did not delay 484 days and then delay an additional 324 days. Accordingly, as the 324 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 484 days attributable to grounds specified in § 1.702(a), entry of both periods is not warranted.

In view thereof, no adjustment to the patent term will be made.

The Office acknowledges submission of the required application fee of $200.00. The fee will not be refunded, as requested, as submission of the patent term adjustment application fee is required per 37 CFR 1.18(e).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

---

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).

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OFFICE OF PETITIONS

In re Patent No. 7,452,680 : DECISION ON APPLICATION FOR
Issued: November 18, 2008 : PATENT TERM ADJUSTMENT and
Application No. 11/026,545 : NOTICE OF INTENT TO ISSUE
Filed: December 30, 2004 : CERTIFICATE OF CORRECTION
Dkt. No.: 019282-002410US :

This is a decision on the petition filed on October 30, 2009, which is being treated as a petition under 37 CFR 1.181 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 808 days. The petition is deemed timely, having been filed within two months of the mail date of the decision on petition mailed August 31, 2009. See, 37 CFR 1.181(f).

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 808 days is **GRANTED**.

The Office acknowledges the previous 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 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 808 days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,452,680 B2

DATED : **November 18, 2008** **DRAFT**

INVENTOR(S) : Zerangue

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 484 days

Delete the phrase "by 484 days" and insert – by 808 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Mail Date: 04/20/2010

Applicant	: Alan Stone	: DECISION ON REQUEST FOR
Patent Number	: 7570611	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/026,547	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/30/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1167** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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BARRY W. CHAPIN
CHAPIN INTELLECTUAL PROPERTY LAW, LLC
WESTBOROUGH OFFICE PARK
1700 WEST PARK DRIVE, SUITE 280
WESTBOROUGH, MA 01581

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APR 21 2009

OFFICE OF PETITIONS

In re Application of :
Muriel Medard et al :
Application No. 11/026,550 :
Filed: December 30, 2004 :
Attorney Docket No. MIT04-02(11323) :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 1, 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 April 4, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 5, 2008.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2446 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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OFFICE OF PETITIONS

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

In re Application of :
Benchiao Jai, et al. :
Application No. 11/026,551 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. 2005.008US1 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed July 17, 2006.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Schwegman, Lundberg, Woessner & Kluth, P. A. has been revoked by the assignee of the patent application on September 21, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to April Wise at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: GOOGLE INC.
GOOGLE PATENTS
1600 AMPHILTHEATRE PARKWAY
MOUNTAIN VIEW, CA 94043

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : January 13, 2010

TO SPE OF : ART UNIT 2887
SUBJECT : Request for Certificate of Correction for Appl. No.: 11/026556 /Patent no. 7562814

Please respond to this request for a certificate of correction w
ithin 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

Magdalene Talley

Certificates of Correction Branch
571-272-0423

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: The request for Certificate of Correction filed January 13, 2010 has been considered and approved.

/STEVEN S. PAIK/ 2887

SPE GAU

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE LAW OFFICES OF ANDREW D. FORTNEY, PH.D., P.C.
401 W FALLBROOK AVE STE 204
FRESNO CA 93711-5835

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MAR 31 2008

OFFICE OF PETITIONS

In re Application of :
Se Jin PARK :
Application No. 11/026,572 : DECISION ON PETITION
Filed: December 30, 2004 :
Attorney Docket No. **OPP-GZ-2007-0164-US-00** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 06, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 22, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 23, 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.

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 March 06, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card..

Telephone inquiries concerning this decision should be directed to Tredelle Jacksn at (571) 272-2783.

This application is being referred to Technology Center AU 1795 for appropriate action by the Examiner in the normal course of business on the reply received

David Bucci
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04/24/09

TO SPE OF : ART UNIT 1794

SUBJECT : Request for Certificate of Correction for Appl. No.: 11026573 Patent No.: 7491441 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: The correction to col. 9, line 44 is denied given that CF3, which is instructed to be deleted, is not found in this line. Given that it is clear that applicants meant to cite col. 9, line 45, the same change to this line is approved and the PTO/SB/44 annotated to this effect. Annoted copy is attached.

Carrie Shasho 1794

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE Art Unit

Staple Here Only! | Printer's Trim Line

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO.: 7491441

DATED: February 17, 2009

FIRST NAMED INVENTOR: POKORNY, RICHARD J.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 1
Line 58-59, Delete "2-{4-[4-(2-**acy**loyloxy-ethylsulfanyl) and insert --2-{4-[4-(2-**acryl**oyloxy-ethylsulfanyl)--therefor.

Column 2
Line 66, Delete "CH3" and insert --CH_3--therefor.

Column 4
Line 61-62, Delete "trimethyl**benzo**ydiphenylphosphine" and insert - - trimethyl**benzoyl**diphenylphosphine - -, therefor.

Line 66-67, Delete "trimethyl**benzoly**)" and insert - - trimethyl**benzoyl**) - -, therefor.

Column 9
Line 41, Delete "CF3" and insert--CF_3--therefor.
Line ~~44~~ 45, Delete "CF3" and insert--CF_3--therefor.

Column 10
Line 27, Delete "ZrO2" and insert --ZrO_2--therefor.
Line 31, Delete "ZrO2" and insert --ZrO_2--therefor.
Line 32, Delete "ZrO2" and insert --ZrO_2--therefor.
Line 36, Delete "ZrO2" and insert --ZrO_2--therefor.
Line 41, Delete "ZrO2" and insert --ZrO_2--therefor.
Line 41-42, Delete "90 C." and insert - -90° C. - -, therefor.
Line 44, Delete "NH3" and insert - - NH_3 - -, therefor.

MAILING ADDRESS OF SENDER:

OFFICE OF INTELLECTUAL PROPERTY COUNSEL
3M INNOVATIVE PROPERTIES COMPANY
3M CENTER - P.O. BOX 33427
SAINT PAUL, MINNESOTA 55133-3427

PATENT NO. 7491441

No. of add'l copies: - 0-
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No add'l copies

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UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO.: 7491441

DATED: February 17, 2009

FIRST NAMED INVENTOR: POKORNY, RICHARD J.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 12
Line 42, Delete "mode 450" and insert - - mode at 450 - -, therefor.

Column 13
Line 17-18, Delete "ethylsulfanyl) -phenylsulfanyl]" and insert - - ethylsulfanyl)-phenylsulfanyl] - -, therefor.

Line 47, Delete "HCL" and insert - - HCl - -, therefor.
Line 55, Delete "CDCl3" and insert --$CDCl_3$--therefor.
Line 56, Delete "CH2" and insert --CH_2--therefor.
Line 62, Delete "CDCl3" and insert --$CDCl_3$--therefor.
Line 62, Delete "CH2" and insert --CH_2--therefor.

Column 14
Line 29-30, Delete "(7-dimethylcarba**moly**sulfanyl" and insert - - (7-dimethylcarba**moyl**sulfanyl - -, therefor.

Column 18
Line 37, In Claim 2, delete "crossliniking" and insert - - crosslinking - -, therefor.
Line 56, In Claim 8, delete "coat has" and insert - - coat layer has - -, therefor.

Column 20
Line 5, In Claim 11, delete "crossliniker" and insert - - crosslinker - -, therefor.

MAILING ADDRESS OF SENDER:

OFFICE OF INTELLECTUAL PROPERTY COUNSEL
3M INNOVATIVE PROPERTIES COMPANY
3M CENTER - P.O. BOX 33427
SAINT PAUL, MINNESOTA 55133-3427

PATENT NO. 7491441

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/026,582	12/30/2004	Zeynep Toros	HBES 1015-1	6552

49413 7590 07/12/2010

ESS TECHNOLOGY, INC
C/O HAYNES BEFFEL & WOLFELD LLP
P.O. BOX 366
HALF MOON BAY, CA 94019

EXAMINER	
PIZARRO CRESPO, MARCOS D	

ART UNIT	PAPER NUMBER
2814	

MAIL DATE	DELIVERY MODE
07/12/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DECISION ON PETITION

JUL 12 2010

In re Application of
Toros et al
Serial No. 11/026,582
Filed: December 30, 2004
For: METHOD AND APPARATUS FOR CONTROLLING CHARGE TRANSFER IN CMOS SENSORS WITH A TRANSFER GATE WORK FUNCTION

This is a decision on the request for acceptance of color drawings under 37 C.F.R. §§ 1.84(a)(2) and (b)(2) filed December 30, 2004.

The petition has been reviewed and it is found to be in compliance with the requirements as set forth in 37CFR §§1.84 (a)(2) and b (2). Black and white copies of the color drawings are provided in the application and triplicates of the color drawings of each figure have also been provided. The Brief Description of the Drawings section of the specification is amended to insert as the first paragraph to state

The file of this patent contains at least one drawing executed in color photograph. Copies of this patent with color drawing(s) will be provided by the U. S. Patent and Trademark Office upon request and payment of the necessary fee.

The required fee for the petition has been paid.

The Petition is **GRANTED**.

/Wael Fahmy/
Supervisory Patent Examiner
Art Unit 2814

Attorney address:

ESS TECHNOLOGY, INC
c/o Haynes Beffel & Wolfeld LLP
P.O Box 366
Half Moon Bay, CA 94019
United States

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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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

Mail Date: 05/12/2010

Applicant	: Aleksandr Groys	: DECISION ON REQUEST FOR
Patent Number	: 7658304	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/026,588	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/30/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **978** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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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HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

MAILED

JUN 09 2009

OFFICE OF PETITIONS

In re Application of	:	
Jamie Henderson	:	DECISION ON PETITION
Application No. 11/026,609	:	TO WITHDRAW
Filed: December 31, 2004	:	FROM RECORD
Attorney Docket No. S63.2B-14394-US01	:	

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 18, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on April 7, 2009 the power of attorney to Hoffmann & Baron, LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Vidas, Arrett & Steinkraus, P.A.
Suite 400
6640 Shady Oak Road
Eden Prairie MN 55344

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

HOFFMANN & BARON
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

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MAR 10 2006

OFFICE OF PETITIONS

In re Application of :
Scott Lawrence Amron :
Application No. 11/026,612 :
Filed: December 30, 2004 :
Attorney Docket No. 1540-10 :

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 14, 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 Ronald J. Baron on behalf of all attorneys of record who are associated with customer No. 23869.

All attorneys/agents associated with the Customer Number 23869 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

Telephone inquires concerning this decision should be directed to Wan Laymon at 571-272-3220.

This matter is being referred to Technology Center AU 3727.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SAP/BSTZ
BLAKELY SOKOLOFF TAYLOR &ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

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JAN 27 2010

In re Application of :
Stephen W. Pfeiffer et al :
Application No. 11/026,617 : DECISION ON PETITION
Filed: December 30, 2004 :
Attorney Docket No. 6570P184 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 26, 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 November 17, 2008, is accepted as having been unintentionally delayed.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2161 for appropriate action by the Examiner in the normal course of business on the reply received October 26, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

cc:

MARK C. VAN NESS
1925 NW AMBERGLEN PARKWAY,
SUITE 230
BEAVERTON, OREGON 97006-6966

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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Sheridan Ross PC
1560 Broadway
Suite 1200
Denver CO 80202

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SEP 13 2005

OFFICE OF PETITIONS

In re Application of :
Shinn et al. :
Application No. 11/026,627 : DECISION ON PETITION
Filed: December 30, 2004 :
Attorney Docket No. 5198-1 :
Title: Method of Financing Home Ownership :
for Sub Prime Prospective Home Buyers :

This is in response to the petition under 37 CFR 1.47(a), filed July 20, 2005 (certificate of mailing dated July 18, 2005). Applicant obtained an extension of time for response within the third month. Accordingly, the petition is filed timely.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 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(s). **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 CFR 1.136(a). No additional petition fee is required for filing a Request for Reconsideration.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s). The present petition does not satisfy requirement (2).

As to requirement (2), applicant failed to submit an oath or declaration in compliance with 37 CFR 1.63 and 1.64. The declaration is not acceptable because the alteration to the residence of Michael Shinn is not **initialed and dated**.[1] The Office notes that it is "improper for anyone, including counsel,

[1] "Any interlineation, erasure, cancellation or other alteration of the application papers...should be dated and initialed or signed by the applicant on the same sheet of paper." 37 CFR 1.52(c)(1).

to alter, rewrite, or partly fill in any part of the application, including the oath or declaration, after execution of the oath or declaration by the applicant.[2] Furthermore, the Office "will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration."[3]

Pursuant to Section 603 of the Manual of Examining Procedure:

> Deficiencies or inaccuracies in an oath or declaration may be corrected by a supplemental oath or declaration. The supplemental oath or declaration must (1) identify the entire inventive entity, and (2) be signed by all the inventors when the correction relates to all the inventors or applicants (37 CFR 1.42, 1.43, or 1.47), **or by only those inventor(s) or applicants (37 CFR 1.42, 1.43, or 1.47) to whom the corrections relates.** See 37 CFR 1.67(a). A deficiency or inaccuracy relating to information required by 37 CFR 1.63(c) may also be corrected with an application data sheet (37 CFR 1.67(a)(3)).

On renewed petition, applicant must correct the residence/mailing address of inventor Shinn by submitting either a supplemental declaration identifying the entire inventive entity and signed by inventor Shinn alone, or an application data sheet under 37 CFR 1.76 containing only a change in inventor Shinn's residence/mailing address.

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

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[2] MPEP 605.04(a)(I).

[3] Id.

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1560 Broadway
Suite 1200
Denver CO 80202

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NOV 18 2005

OFFICE OF PETITIONS

In re Application of
Shinn et al.
Application No. 11/026,627
Filed: December 30, 2004
Attorney Docket No. 5198-1
Title: Method of Financing Home Ownership for Sub Prime Prospective Home Buyers

DECISION ON PETITION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed September 28, 2005.

The petition under 37 CFR 1.47(a) is **granted**.

Petitioner showed that Jeff and Jennifer Richardson, the non-signing inventors, refused to join in the filing of the above-identified application after having been mailed the application papers. Specifically, the statements of facts of Daniel K. Siedlecki and Todd P. Blakely established that petitioner mailed a copy of the application papers to the last known address of the non-signing inventors. However, the non-signing inventors refused to sign the declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the present petition. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Jeff and Jennifer Richardson
4507 Maroon Circle
Brownfield, CO 80020

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NOV 18 2005

OFFICE OF PETITIONS

In re Application of
Shinn et al.
Application No. 11/026,627
Filed: December 30, 2004
Attorney Docket No. 5198-1
Title: Method of Financing Home Ownership for Sub Prime Prospective Home Buyers

LETTER

Dear Mr. and Mrs. Richardson:

You are named as joint inventors in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as joint inventors.

As named inventors you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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 L. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Sheridan Ross PC
1560 Broadway, Suite 1200
Denver CO 80202

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SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

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DEC 01 2006

OFFICE OF PETITIONS

In re Application of	:	
SHINN, et al.	:	
Application No. 11/026,627	:	DECISION ON PETITION
Filed: December 30, 2004	:	TO WITHDRAW
Attorney Docket No. 5198-1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 12, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The 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, "TERMINATION OF REPRESENTATION BY ATTORNEYS/AGENTS OF RECORD," are not appropriate since it does not meet any of the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There is no outstanding Office action that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6825.

Patricia Volpe
Petitions Examiner
Office of Petitions

cc: **MICHAEL SHINN**
NATIONAL HOME BUYERS ASSISTANCE
1 MANOR HOUSE ROAD
LITTLETON, CO 80127

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Denver, CO 80202

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DEC 26 2007

OFFICE OF PETITIONS

In re Application of :

Michael Shinn :
Application No. 11/026,627 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. 5198-1 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 22, 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 Todd P. Blakely on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Michael Shinn at the address indicated below.

There is an outstanding Office action mailed November 30, 2007 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Michael Shinn**
National Home Buyers Assistance
1 Manor House Road
Littleton, CO 80127

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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
11/026,627	12/30/2004	Michael Shinn	5198-1

CONFIRMATION NO. 8356

POWER OF ATTORNEY NOTICE

22442
SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

Date Mailed: 12/21/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/26/2006.

- 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.

/tswilliams/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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INTEL CORPORATION
c/o CPA Global
P.O. BOX 52050
MINNEAPOLIS, MN 55402

Mail Date: 04/21/2010

Applicant	: Ugonna C. Echeruo	: DECISION ON REQUEST FOR
Patent Number	: 7607048	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/026,633	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/30/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **701** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Stolowitz Ford Cowger LLP
621 SW Morrison St
Suite 600
Portland, OR 97205

Mail Date: 07/09/2010

Applicant	: Ralph Edward Droms	: DECISION ON REQUEST FOR
Patent Number	: 7646786	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/026,641	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/30/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **743** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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HOFFMAN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

MAILED

JUL 06 2009

OFFICE OF PETITIONS

In re Application of
Steven WALAK, et al.
Application No. 11/026,642
Filed: December 31, 2004
Attorney Docket No. **S63.2B-14433-US01**

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 18, 2009.

The request is **DISMISS** as moot.

A review of the file record indicates that the power of attorney to **HOFFMAN & BARON, LLP** has been revoked by the assignee of the patent application on May 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 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: **VIDAS, ARRETT & STEINKRAUS, P.A.**
6640 SHADY OAK ROAD, SUITE 400
EDEN PRAIRIE, MN 55344

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MacMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA-FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

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MAR 19 2007

OFFICE OF PETITIONS

In re Application of :
Randall A. Gage and Pawel W. Sleboda :
Application No. 11/026,662 : DECISION ON PETITIONS
Filed: December 31, 2004 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 1-75186 : AND 37 CFR 1.48(a)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 26, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional Application No. 10/749,895, filed December 31, 2003, as set forth in the amendment filed with the petition. This is also a decision on the concurrently filed petition under 37 CFR 1.48(a) to add Pawel W. Sleboda as an inventor.

The petition under 37 CFR 1.78(a)(3) is **GRANTED**.

The petition under 37 CFR 1.48(a) is **GRANTED**.

DISCUSSION OF PETITION UNDER 37 CFR 1.48(a)

The present application was filed with Randall A. Gage as the sole inventor. The application to which benefit of priority is now being claimed (Application No. 10/749,895) was issued as a patent on May 23, 2006 to inventors Pawel W. Sleboda and Thomas J. Lemense. The granting of a petition is necessary here in order to have a common inventor between Application No. 10/749,895 and the present application.

A petition under 37 CFR 1.48(a) requires:

(1) a request to correct the inventorship that sets forth the desired inventorship change;
(2) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
(3) an oath or declaration by the actual inventor or inventors as required by § 1.63 as permitted by §§ 1.42, 1.43 or § 1.47;
(4) the processing fee set forth in § 1.17(i); and
(5) if an assignment has been executed by any of the original named inventors, the written consent of the assignee.

The petition under 37 CFR 1.48(a) complies with all of the above requirements. Accordingly, the petition to add inventor Pawel W. Sleboda as an inventor is granted.

DISCUSSION OF PETITION UNDER 37 CFR 1.78(a)(3)

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed 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 Frances Hicks at (571) 272-3218. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center Art Unit 2821 for consideration by the Examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed application.

Brian Hearn for
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	TOT CLMS	IND CLMS
11/026,662	12/31/2004	2821	1000	1-75186	20	3

CONFIRMATION NO. 7659

CORRECTED FILING RECEIPT

OC000000022963537

27377
MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA-FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

Date Mailed: 03/19/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Randall A. Gage, Troy, MI;
Pawel W. Sleboda, Bloomfield Hills, MI;

Power of Attorney: The patent practitioners associated with Customer Number **27377**.

Domestic Priority data as claimed by applicant

This application is a CIP of 10/749,895 12/31/2003 PAT 7,049,982

Foreign Applications

If Required, Foreign Filing License Granted: 02/25/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/026,662

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Antenna mounting

Preliminary Class

343

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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TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER, EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

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JUN 05 2007

OFFICE OF PETITIONS

In re Application of	:	
Hun-Sam Jung	:	
Application No. 11/026,672	:	DECISION GRANTING PETITION
Filed: December 30, 2004	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 00939H-089000US	:	

This is a decision on the petition, filed June 1, 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 10, 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 2863 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\june10\026672.wpd

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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PATENT DEPARTMENT - 53051
KILPATRICK STOCKTON LLP
1001 WEST FOURTH STREET
WINSTON-SALEM NC 27101

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MAY 03 2007

OFFICE OF PETITIONS

In re Application of :
BUCHHEIT, Paul et al. :
Application No. 11/026,682 : DECISION ON PETITION
Filed: December 31, 2004 : TO WITHDRAW
Attorney Docket No. **53051-296713** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 21, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to KILPATRICK STOCKTON LLP has been revoked by the assignee of the patent application on March 05, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **FISH & RICHARDSON P.C.**
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

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APR 26 2005
TECHNOLOGY CENTER 3600

SAIDMAN DESIGNLAW GROUP
1110 Bonifant Street
Suite 510
Silver Spring, MD 20910

In re application of : **DECISION ON PETITION**
Maynard Hale Lyndon : **TO MAKE SPECIAL**
Application No. 11/026,690 : **(INFRINGEMENT)**
Filed: December 30, 2004 :
For: SHELVING SYSTEM

This is a decision on the petition under 37 C.F.R § 1.102(d) filed April 06, 2005 to make the above-identified application special.

The petition requests that the above-identified application be made special under the procedure set forth in M.P.E.P. § 708.02, item II: Infringement.

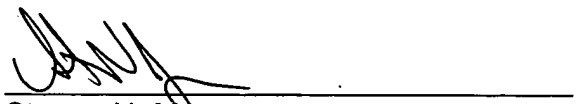
MPEP 708.02 states that a Petition to Make Special based on Infringement must have the following: (1) the appropriate petition fee under 37 CFR 1.17(i); (2) a statement by the assignee, applicant, or attorney alleging: (A) that there is an infringing device or product actually on the market or method in use; (B) that a rigid comparison of the alleged infringing device, product or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and (C) that he or she has made a careful and thorough search of the prior art, or has good knowledge of the prior art, and has sent a copy of the references deemed most closely related to the subject matter encompassed by the claims.

The petition filed April 06, 2005 meets all of the requirements above and, therefore, the petition is **GRANTED**.

With regards to element 2(C) above, an Information Disclosure Statement was filed on January 21, 2005.

The examiner is directed (1) to make an interference search for possible interfering applications; (2) to promptly examine this application out of turn; and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference and appeal, if any, only if petitioner makes a prompt *bona fide* effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.



Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(571) 272-6611

SNM/pav: 04/18/05

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Workman, Nydegger
60 East South Temple
1000 Eagle Gate Tower
Salt Lake City, UT 84111

SEP 20 2005

In re Application of:
Biard et al.
Serial No.: 11/026,699
Filed: December 30, 2004
Title: INTEGRATED LIGHT EMITTING DEVICE AND PHOTODIODE WITH OHMIC CONTACT

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. § 1.102(c), filed April 25, 2005, to make the above-identified application special.

Petitioner requests that the above-identified application be made special under the accelerated examination procedure set forth in the Manual of Patent Examining Procedure (M.P.E.P.) § 708.02, Section IV: Applicant's Age.

A grantable petition to make special under 37 C.F.R. § 1.102, and in accordance with M.P.E.P. § 708.02, Section IV, must include evidence showing that the applicant is sixty five (65) years of age or more. No fee is required for this petition.

The petition includes a declaration from the inventor, J. Robert Biard, stating that he is sixty-five (65) years of age or more.

Accordingly, the petition is GRANTED.
After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

Inquiries regarding this decision should be directed to Edward Westin at (571) 272-1638.

Edward Westin

Edward Westin, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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MAR 18 2005

In re Application of	:	
Daniel J. Ralicki	:	
Serial No. 11/026,703	:	DECISION ON PETITION
Filed: December 30, 2004	:	TO MAKE SPECIAL
For: COMPACTING APPARATUS	:	

Applicant's petition, filed December 30, 2004, requests that this application be rendered special for examination in that applicant is over sixty-five (65) years of age.

The petition has been reviewed and is found to be in compliance with the requirements for special status as set forth in Section 708.02(IV) of the Manual of Patent Examining Procedure (MPEP).

PETITION GRANTED.

E. R. Kazenske, Director
Technology Center 3700

Albert Watkins
Quill & Disc Inc.
30844 NE First Avenue
St. Joseph, MN 56374

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OFFICE OF PETITIONS

O2M/GTPP
55 SOUTH COMMERCIAL STREET
MANCHESTER NH 03101

In re Application of :
Lipcsei, et al. :
Application No. 11/026,725 : ON PETITION
Filed: December 30, 2004 :
Attorney Docket No. O2MICRO O4.01 :
CIP

This is a decision on the petition to revive under 37 CFR 1.137(b), filed July 23, 2009.

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 April 21, 2009. This Notice set a statutory period for reply of three months for issue fee transmittal. No issue fee having been received, the application became abandoned on July 22, 2009. The Office mailed a Notice of Abandonment on July 31, 2009.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of the issue fee.

The application is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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BARLEY MILL PLAZA 25/1128
4417 LANCASTER PIKE
WILMINGTON DE 19805

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MAY 1 2 2005

OFFICE OF PETITIONS

In re Application of :
Macpherson et al. : DECISION ON PETITION
Application No. 11/026,732 :
Filed: December 30, 2004 :
Attorney Docket No. UC0448USNA :

This is a decision on the petition filed April 13, 2005, requesting that the application be accorded a filing date of December 30, 2004, with Figures 13 and 14 as part of the original disclosure.

On December 30, 2004, applicants filed the above-identified application. However, on March 2, 2005, the Office of Initial Patent Examination mailed a "Notice to File Missing Parts of Nonprovisional Application," stating that the application had been accorded a filing date of December 30, 2004, and advising applicants that Figures 13 and 14 appeared to have been omitted. Additionally, the Notice required applicants to submit an executed oath or declaration and a surcharge for its late filing.

In response, on April 13, 2005, applicants submitted the present petition, a declaration for a utility application using an Application Data Sheet, 8 sheets of drawings, including Figures 13 and 14, and authorized payment of the requisite fees. Additionally, applicants submitted a copy of applicants' date-stamped postcard receipt acknowledging receipt of 8 sheets of drawings in the USPTO on December 30, 2004.

Upon review of the record, Figures 13 and 14, deposited on December 30, 2004, have not been located among the application papers. However, the evidence is convincing that the application papers

deposited on December 30, 2004, included Figures 13 and 14, which were subsequently misplaced in the USPTO.

Therefore, the application, including Figures 13 and 14, was complete on filing and will be granted a filing date of December 30, 2004.

Accordingly, the petition is granted.

The requirement for Figures 13 and 14 set forth in the Notice to File Missing Parts was sent in error and is hereby vacated. Accordingly, no petition fee is necessary. The $400.00 petition fee will be credited to Deposit Account No. 04-1928.

The Office of Initial Patent Examination is directed **to accord the above-identified application a filing date of December 30, 2004,** using Figures 1-12 submitted on that date, and Figures 13 and 14 submitted on April 13, 2005, as part of the original disclosure.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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INDIANAPOLIS OFFICE 27879
BRINKS HOFER GILSON & LIONE
CAPITAL CENTER, SUITE 1100
201 NORTH ILLINOIS STREET
INDIANAPOLIS, IN 46204-4220

Mail Date: 04/21/2010

Applicant	: Takeshi Natsuno	: DECISION ON REQUEST FOR
Patent Number	: 7604163	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/026,735	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/30/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **524** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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TUYETNHUNG T. PHAM
110 GOLDEN HILLS ROAD
SAUGUS MA 01906-4004

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JUN 0 3 2009

OFFICE OF PETITIONS

In re Application of
Pham et al
Application No. 11/026,745
Filed: December 31, 2004
For: PRACTICAL PROCESS FOR INTEGRATING CIRCUITS AND COMPONENTS INTO NONRIGID MATERIALS

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 13, 2009 and supplemented on April 29, 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; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Office letter mailed May 23, 2007, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3729 for appropriate action by the Examiner in the normal course of business on the reply received April 13, 2009.

Karen Creasy
Petitions Examiner
Office of Petitions

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COOLEY GODWARD KRONISH LLP
ATTN: PATENT GROUP
SUITE 1100
777 -6TH STREET, NW
WASHINGTON, DC 20001

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JAN 30 2009

OFFICE OF PETITIONS

In re Application of :
Sridhar Ramachandran, et al. :
Application No. 11/026,746 : DECISION ON PETITION
Filed: December 31, 2004 : TO WITHDRAW
Attorney Docket No. NEXE-012/00US : 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 11, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Daniel M. Bennett on behalf of all attorneys of record who are associated with customer No. 22903. All attorneys/agents associated with the Customer Number 22903 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 Sridhar Ramachandran at the address indicated below.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: SRIDHAR RAMACHANDRAN
10204 CAVANAUGH FARM WAY
ROCKVILLE, MD 20850

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6900 JERICHO TURNPIKE
SYOSSET NY 11791

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OFFICE OF PETITIONS

In re Application of	:	
Henderson et al.	:	DECISION ON PETITION
Application No. 11/026,748	:	TO WITHDRAW
Filed: December 31, 2004	:	FROM RECORD
Attorney Docket No. 760-160	:	

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 18, 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 will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Anna-Lisa Gallo on behalf of all attorneys of record who are associated with customer No. 23869.

All attorneys/agents associated with the Customer Number 23869 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record remains unchanged.

There is an outstanding Office action mailed October 31, 2008 that requires a reply.

Telephone inquires concerning this decision should be directed to Petitions Examiner Joan Olszewski at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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6900 JERICHO TURNPIKE
SYOSSET NY 11791

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OFFICE OF PETITIONS

In re Application of :
Jamie Henderson :
Application No. 11/026,777 :
Filed: December 31, 2004 :
Attorney Docket No. S63.2B-14398-US01 :

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 18, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on May 14, 2009 the power of attorney to Hoffmann & Baron, LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Vidas, Arrett & Steinkraus, P.A.
Suite 400
6640 Shady Oak Road
Eden Prairie MN 55344

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DAVIS BUJOLD & DANIELS, P.L.L.C.
112 PLEASANT STREET
CONCORD NH 03301

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OFFICE OF PETITIONS

In re Application of	:	
Deng et al.	:	
Application No. 11/026,778	:	ON PETITION
Filed: December 30, 2004	:	
Attorney Docket No. DENSHE P01AUSP1	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 16, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Issue Fee Transmittal with payment of the issue and publication fees, (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 the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

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HOWARD J. GREENWALD P.C.
70 LINDEN OAKS, THIRD FLOOR
ROCHESTER, NY 14625

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In re Application of
Richard F. Luduena
Application No. 11/026,803
Filed: December 31, 2004
Attorney Docket No. RFL - 742

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 30, 2005.

The request is **MOOT**.

A review of the file record indicates that the power of attorney to HOWARD J. GREENWALD P.C. has been revoked by the assignee of the patent application on January 10, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the correspondence address of record until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4914.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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MAR 3 1 2010

OFFICE OF PETITIONS

In re Patent No. 7,488,844	:	DECISION ON REQUEST FOR
ALSTERMARK et al.	:	RECONSIDERATION OF
Issue Date: February 10, 2009	:	PATENT TERM ADJUSTMENT
Application No. 11/026,806	:	AND
Filed: December 30, 2004	:	NOTICE OF INTENT TO ISSUE
Docket No. 06275-433001 / 100595-2PU	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on April 8, 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 three hundred thirty-three (333) 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 three hundred thirty-three (333) days[1] is **GRANTED**.

The Office acknowledges the 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 **three hundred thirty-three (333) days**.

[1] The Office agrees that a period of reduction pursuant to 37 CFR 1.704(b) of 87 days, instead of 86 days, should have been entered for the filing of the reply on March 30, 2007, in excess of three months from the mailing of the nonfinal Office action on October 2, 2006. The Office further agrees that a period of reduction pursuant to 37 CFR 1.704(c)(10) of 50 days should have been entered for the filing of a request for corrected filing receipt on November 5, 2008, after the mailing of the notice of allowance. The Office thanks patentee for patentee's good faith and candor in bring this to the attention of the Office.

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

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,488,844 B2

DATED : Feb. 10, 2009 **DRAFT**

INVENTOR(S) : Alstermark 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 168 days

Delete the phrase "by 168 days" and insert – by 333 days--

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100610

DATE : June 10, 2010

TO SPE OF : ART UNIT 1621

SUBJECT : Request for Certificate of Correction on Patent No.: 7488844

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:

/DANIEL M SULLIVAN/
Supervisory Patent Examiner.Art Unit 1621

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MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO, PC
5 PALO ALTO SQUARE - 6TH FLOOR
3000 EL CAMINO REAL
PALO ALTO CA 94306-2155

In re Application of	:	
Cottrell, et al.	:	
Application No. 11/026,813	:	ON PETITION
Filed: December 29, 2004	:	
Attorney Docket No. 38089-503F01US	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed July 23, 2009.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action, mailed December 31, 2007. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on April 1, 2008.

With the instant petition, applicant made the proper statement of unintentional delay, paid the petition fee, and filed the required reply in the form of an Amendment.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $1110

extension of time fee submitted with the petition on July 23, 2009 was subsequent to the maximum period obtainable for reply (June 30, 2008), this fee has been refunded to petitioner's Deposit Account No. 18-0580.

The application is being forwarded to Group Art Unit 2192 for consideration of the Amendment, filed July 23, 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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CRAIG OLOFSON
PO BOX 2386
LOS GATOS CA 95031

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DEC 29 2005

OFFICE OF PETITIONS

In re Application of	:	
Troy William Ramsey	:	
Application No. 11/026,827	:	ON PETITION
Filed: December 29, 2004	:	
Title: Elastic Fastening System	:	

This is a decision on the petition to revive under 37 CFR 1.137(a), filed November 21, 2005.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely reply to the Notice to File Corrected Application Papers mailed February 18, 2005. This notice set a period for reply of two (2) months for applicant to submit a correct drawing. Extensions of time under 37 CFR 1.136(a) were available. No corrected drawing having been received, and no extensions of time having been obtained, the above-identified application became abandoned on April 19, 2005. A Notice of Abandonment was mailed on October 24, 2005.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 CFR 1.17(l); and (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable. The instant petition lacks item (3).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable: "The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."[1]

Moreover, delay resulting from the lack of knowledge or improper application of the patent statutes, rules of practice or the Manual of Patent Examining Procedure, however, does not constitute "unavoidable" delay.[2]

With regards to item (3), petitioner explains that he was serving with the US Army Special Forces in Iraq from February 6, 2005 to June 2, 2005. In support thereof, petitioner has included a copy of a travel voucher. Accordingly, the issue of petitioner's absence during the period from February 6, 2005 to June 2, 2005 is not in dispute. Assuming *arguendo* that the delay from April 18, 2005 to June 2, 2005 can be categorized as unavoidable, petitioner has not satisfactorily explained why the period from June 3, 2005 until November 21, 2005 should be categorized as such. 37 CFR 1.137(a)(3) requires 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 was unavoidable (emphasis added).

When petitioner returned to the United States on June 2, 2005, petitioner could still have timely responded to the Notice to File Corrected Application Papers by purchasing a two month extension of time under 37 CFR 1.136(a). Moreover, petitioner could have responded to the notice as late as September 18, 2005, with a purchase of the maximum obtainable five month extension of time. Accordingly, an explanation from petitioner is needed to explain why he was "unavoidably" prevented from filing a response to the Notice to File Corrected Application Papers by purchasing an appropriate extension of time.

Alternative Venue and Other Matters:

While the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m), currently

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[1] In re Mattulath, 38 App. D.C. 497, 514-15 (1912)(*quoting* Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

[2] See Haines, 673 F. Supp. at 317, 5 U.S.P.Q. 2d at 1132; Vincent v. Mossinghoff, 230 U.S.P.Q. 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 U.S.P.Q. 1091 (D.D.C. 1981); Potter v. Dann, 201 U.S.P.Q. 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

$1500 ($750 for a small entity); and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. A copy of the form for a petition to revive under 37 CFR 1.137(b) is enclosed for petitioner's convenience.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop 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

cc: Troy William Ramsey
309 N 23rd St
Colorado Springs, CO 80904

Enc: PTO/SB/64 (2 pages)
Privacy Act Statement (1 page)

UNITED STATES PATENT AND TRADEMARK OFFICE

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CRAIG OLOFSON
PO BOX 2386
LOS GATOS CA 95031

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JUN 0 6 2006
OFFICE OF PETITIONS

In re Application of :
Troy William Ramsey :
Application No. 11/026,827 : ON PETITION
Filed: December 29, 2004 :
Title: Elastic Fastening System :

This is a decision on the renewed petition to revive under 37 CFR 1.137(a), filed January 12, 2006.

The petition under 37 CFR 1.137(a) is **GRANTED**.

The above-identified application became abandoned for failure to timely reply to the Notice to File Corrected Application Papers mailed February 18, 2005. This notice set a period for reply of two (2) months for applicant to submit a correct drawing. Extensions of time under 37 CFR 1.136(a) were available. No corrected drawing having been received, and no extensions of time having been obtained, the above-identified application became abandoned on April 19, 2005. A Notice of Abandonment was mailed on October 24, 2005. Applicant filed a petition to revive on November 21, 2005. However, the petition was dismissed in a decision mailed on December 29, 2005.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable: "The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their

most important business."[1]

Moreover, delay resulting from the lack of knowledge or improper application of the patent statutes, rules of practice or the Manual of Patent Examining Procedure, however, does not constitute "unavoidable" delay.[2]

With the petition filed November 21, 2005, petitioner explained that he was serving with the US Army Special Forces in Iraq from February 6, 2005 to June 2, 2005. In support thereof, petitioner included a copy of a travel voucher. The decision mailed December 29, 2005 stated that petitioner still could have responded to the Notice to File Corrected Application Papers as late as September 18, 2005. Accordingly, the decision explained that petitioner needed to account for the period of delay from June 3, 2005, to November 21, 2005.

With the instant request for reconsideration, petitioner has included a letter from his Commanding Officer, Major Thomas C. Thompson, who stated that: (1) from June 2, 2005 to November 21, 2005, Ramsey was undergoing medical refresher training and pre-mission training; (2) this training was a military necessity for the company's up-coming deployment to Iraq; and (3) the training prevented Ramsey from replying to the Patent Office in a timely manner.

In view of the above, it is concluded that petitioner has met his burden of establishing that the entire period of delay in responding to the Notice to File Corrected Application Papers was unavoidable.

Receipt of the drawing page filed November 21, 2005, and the IDS, filed January 12, 2006, is acknowledged.

The matter is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

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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[1] In re Mattulath, 38 App. D.C. 497, 514-15 (1912)(*quoting* Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

[2] See Haines, 673 F. Supp. at 317, 5 U.S.P.Q. 2d at 1132; Vincent v. Mossinghoff, 230 U.S.P.Q. 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 U.S.P.Q. 1091 (D.D.C. 1981); Potter v. Dann, 201 U.S.P.Q. 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

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INTELLECTUAL PROPERTY LAW DEPT.
740 WEST NEW CIRCLE ROAD
BLDG. 082-1
LEXINGTON KY 40550-0999

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MAR 25 2009

OFFICE OF PETITIONS

In re Application of
John W. Krawczyk et al
Application No. 11/026,839
Filed: December 30, 2004
Attorney Docket No. 2004-0564-01

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 4, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of 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 October 15, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Data Management to be processed into a patent.

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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1100 SUPERIOR AVENUE, SUITE 1750
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AUG 15 2006

OFFICE OF PETITIONS

In re Application of :
Jeffrey A. Whited :
Application No. 11/026,854 : ON PETITION
Filed: December 30, 2004 :
Attorney Docket No. 16-265D1 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 24, 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 October 14, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on January 15, 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

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APR 15 2008

OFFICE OF PETITIONS

VISTA IP LAW GROUP LLP
2040 MAIN STREET, 9TH FLOOR
IRVINE CA 92614

In re Application of :

BRADLEY, Kerry et al. :
Application No. 11/026,859 : DECISION ON PETITION
Filed: December 30, 2004 : TO WITHDRAW
Attorney Docket No. **05-00506(03)** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 11, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, ownership transfer, does not meet any of the conditions set forth in 37 CFR 10.40.

There is an outstanding Office action mailed March 25, 2008 that requires a reply from the applicant.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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FORT COLLINS, CO 80527-2400

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OFFICE OF PETITIONS

In re Application of	:	
James Russell Curtis	:	
Application No. 11/026,877	:	ON PETITION
Filed: December 30, 2004	:	
Attorney Docket No. 200402295-1	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on July 29, 2008, to revive the above-identified application.

The application became abandoned for failure to respond to the non-final Office action mailed April 19, 2007. A Notice of Abandonment was mailed on June 11, 2008.

As authorized, the petition fee of $1,540 has been charged to petitioner's deposit account.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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 2166 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 4-18-08

Paper No.: _____

TO SPE OF : ART UNIT 2833

SUBJECT : Request for Certificate of Correction on Patent No.: 7172 454 (11/626902)

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.

Claim 7 seem to be not entered, according to Ex. Amendment.

Eva James

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-305-8309

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- [X] **Approved** — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments:

/renee s luebke/
Renee Luebke
SPE

2833
Art Unit

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PORTLAND, OR 97204-3157

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APR 18 2007

OFFICE OF PETITIONS

In re Application of
David A. Bruno
Application No. 11/026,929
Filed: December 29, 2004
Attorney Docket No. 3301.0069

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed November 28, 2006.

The petition is **GRANTED**.

The application became abandoned for failure to pay the issue fee on or before October 18, 2006. A Notice of Abandonment was mailed on November 17, 2006. In response, on November 28, 2006, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $1,400 issue fee and the $300 publication fee; (2) the petition fee of $1,500; and (3) the required statement of unintentional delay.

The application is being referred to the Office of Publications to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at Publishing Division should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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Joseph L. Johnson
Lathrop & Gage, L.C.
1845 S. National
P.O. Box 4288
Springfield MO 65808-4288

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AUG 0 4 2005

OFFICE OF PETITIONS

In re Application of :
Horst et al. :
Application No. 11/026,932 : ON PETITION
Filed: December 31, 2004 :
Attorney Docket No. 432222/409281 :

This is a decision on the petition filed July 15, 2005, requesting that the Office accord the above-identified application a filing date of December 31, 2004.

On December 31, 2004, applicants deposited the above-identified application. However, on February 23, 2005, the Office of Initial Patent Examination mailed a "Notice Of Incomplete Nonprovisional Application," requiring drawings of applicants' invention and stating that the filing date would be the date of receipt of the omitted drawings. Additionally, the Notice stated that the oath/declaration was unsigned. On March 8, 2005, applicants filed an executed declaration and a power of attorney. On March 17, 2005, the Office of Initial Patent Examination mailed a second "Notice Of Incomplete Nonprovisional Application," requiring drawings of applicants' invention and stating that the filing date would be the date of receipt of the omitted drawings. On July 15, 2005, applicants submitted the present petition, 3 sheets of drawings (Figures 1-3), a petition for an extension of time under 37 CFR 1.136(a), and an authorization to charge any necessary fees.

As stated in MPEP § 601.01(f), it is the practice of the Office to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for 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 figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in

MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

This application contains method claims. 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)" 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.

In view of the above, the requirement for drawings set forth in the Notices of Incomplete mailed on February 23, 2005, and March 17, 2005, were sent in error. The application will be accorded a filing date of December 31, 2004.

Accordingly, the petition is granted.

The $400.00 petition fee is unnecessary. Moreover, the "Notice of Incomplete Nonprovisional Application" does not permit applicants to extend the period of time for response. Therefore, the $400.00 petition fee and the $225.00 extension of time fee will be refunded to Deposit Account No. 12-0600.

The Office of Initial Patent Examination is directed to accord the application a filing date of December 31, 2004, with "0" sheets of drawings.

Applicants may file an amendment with the examiner prior to the first action on the merits requesting entry of the drawing figures.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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1845 S. NATIONAL
P.O. BOX 4288
SPRINGFIELD, MO 65808-4288

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MAY 31 2007

OFFICE OF PETITIONS

In re Application of	:	
Horst et al.	:	
Application No. 11/026,932	:	ON PETITION
Filed: December 31, 2004	:	
Attorney Docket No. 432222/409281	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 28, 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 a Response to the Notice of Drawings Inconsistency with Specification; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

This matter is being referred to the Publishing Division.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions