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MARSHALL & MELHORN, LLC
FOUR SEAGATE - EIGHTH FLOOR
TOLEDO OH 43604

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APR 21 2008

OFFICE OF PETITIONS

In re Application of :
Gene Wyse :
Application Number: 11/031698 :
Filing Date: 01/07/2005 :
Attorney Docket Number: 1-16889 :

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the petition, filed on April 20, 2007, to withdraw the holding of abandonment in the above-identified application.

The application was held abandoned for failure to respond in a timely manner to the Notice of Appeal filed on July 10, 2006, which set a two (2) month shortened statutory period for reply. A Notice of Abandonment was mailed on April 5, 2007.

Petitioners assert that a proper response was in fact timely filed in the form of an Appeal Brief in response to the Notice of Appeal. In support of the petition, petitioners submitted a copy of a date-stamped post card receipt acknowledging receipt of a Brief on Appeal. The postcard has an "Office date" stamp of September 11, 2006, and identifies the application by application number, filing date, attorney docket number, and inventor's name. Additionally, petitioner has submitted a copy of the Appeal Brief asserted to have been previously timely filed with the present petition.

Petitioners' response to the Notice of Appeal filed on July 10, 2006, is not of record in the file and cannot be located. However, M.P.E.P. § 503 states, "[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 the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the amendment and request for a three (3) month extension of time was received in the Office but was not matched with the application file.

The date-stamp on the post card of September 11, 2006, is after the due date for the response. However, under 37 C.F.R. § 1.8(a)(1) correspondence is considered timely if: (1) the

correspondence is mailed or transmitted prior to expiration of the set period for response by being properly addressed to the Patent and Trademark Office as set out in 37 C.F.R. § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail or transmitted to the Patent and Trademark Office in accordance with 37 C.F.R. § 1.6(d); and (2) the correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have a reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

The amendment filed with the present petition bears a proper certificate of mailing, dated September 7, 2006, in compliance with the requirements of 37 C.F.R. § 1.8(a)(1) as set forth above. Accordingly, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED**.

The application file will be referred to the Technology Center's technical support staff for entry of the response. Thereafter, the application file will be referred to the examiner for action in due course.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

NOV 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Valerie Arranz	:	
Application No. 11/031,705	:	DECISION ON PETITION
Filed: January 7, 2005	:	TO WITHDRAW
Attorney Docket No. 62745.000015	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 6, 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 request cannot be approved because petitioner has not certified that they have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled.

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

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. 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: DIATOS SA
C/O: MALTRE DOMINIQUIE WERNERT AVOCATE
48 AVENUE VICTOR HUGO
PARIS 75116 FRANCE

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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IMPERIUM PATENT WORKS
P.O. BOX 607
Pleasanton, CA 94566

Mail Date: 04/21/2010

Applicant	: Yasunori Noguchi	: DECISION ON REQUEST FOR
Patent Number	: 7586527	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/031,710	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/07/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1278** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

25 MAR 2005

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

In re Application of MASSE :
U.S. Application No.: 11/031,728 :
PCT Application No.: PCT/FR03/02264 :
Int. Filing Date: 17 July 2003 :
Priority Date Claimed: 17 July 2002 : DECISION
Attorney Docket No.: BLO-103/PCT/US :
For: METHOD AND SYSTEM FOR :
OPTIMIZING AT LEAST ONE :
PARAMETER CHARACTERISTIC OF A :
PHYSICAL SYSTEM THAT IS TO BE :
SUBJECTED TO VARIABLE :
ENVIRONMENTAL CONDITIONS :

This is in response to applicant's "Petition Under 37 C.F.R. 1.182" filed 23 March 2005, which is being treated under 37 CFR 1.181. No petition fee is currently due.

BACKGROUND

On 17 July 2003, applicant filed international application PCT/FR03/02264, which claimed priority of an earlier France application filed 17 July 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 29 January 2004. The thirty-month period for paying the basic national fee in the United States expired on 17 January 2005.

On 22 December 2004, applicant filed purported national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission included both a national stage transmittal letter (Form PTO-1390) and a utility application transmittal letter (Form PTO/SB/05).

On 23 March 2005, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). The official USPTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states, in relevant part:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111. . . .
>
> If there are any conflicting instructions as to which sections of the statute (371 or 111) is intended the application will be accepted under 35 U.S.C. 111. (Emphasis added.)

Form PTO/SB/05 filed 22 December 2004 states that the application is being submitted under 37 CFR 1.53(b). MPEP 201.06(c) states in relevant part:

> 37 CFR 1.53(b) is the section under which all applications are filed EXCEPT: (A) an application resulting from entry of an international application into the national stage under 35 U.S.C. 371 and 37 CFR 1.495. . . . Applications submitted under 37 CFR 1.53(b), as well as CPAs submitted under 37 CFR 1.53(d), are applications filed under 35 U.S.C. 111(a).

Although the national stage transmittal letter (Form PTO-1390) filed on 22 December 2004 identified the application as a national stage application being filed under 35 U.S.C. 371, the concurrent submission of the utility application transmittal letter (Form PTO/SB/05) is inconsistent with and would have contradicted any desire expressed in any papers that might have been filed to enter the national stage of the PCT under 35 U.S.C. 371. Accordingly, pursuant to MPEP 201.06(c), the papers filed on 22 December 2004 were properly accepted as a filing under 35 U.S.C. 111(a).

Because application number 11/031,728 and international application PCT/FR03/02264 were copending on 22 December 2004, applicant is entitled to claim benefit under 35 U.S.C. 120 and 365(c) of the filing date of the international application PCT/FR03/02264 for the common subject matter. In order to obtain benefit of the earlier international application, application number 11/031,728 must contain or be amended to contain a specific reference to the parent international application. That is, application number 11/031,728 would have to be amended to reflect that it is a continuation of international application PCT/FR03/02264.

Applicant is reminded that in order to perfect the claim for foreign priority under 35 U.S.C. 119, applicant must submit a certified copy of the priority document. The certified copy of the priority document submitted to the International Bureau cannot be relied upon to perfect the claim for priority. See MPEP §1896.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181".

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

DATE 9-19-07 APPLICATION NUMBER 11/683,758

DOC CODE Ref Doc. TC DOC DATE 9/20/07

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

CONTRACTOR: THE ATTACHED FILE/DOCUMENT MUST BE INDEXED AND SCANNED INTO IFW WITHIN **8** WORK HOURS; UPLOADING OF THE SCANNED IMAGES SHOULD OCCUR NO LATER THAN **16** WORK HOURS FOLLOWING RECEIPT OF THIS REQUEST

AFTER SCANNING, ORIGINAL DOCUMENTS SHOULD BE BOXED IN ACCORDANCE WITH INSTRUCTIONS

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KING & SPALDING LLP
1180 PEACHTREE STREET
ATLANTA GA 30309-3521

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SEP 20 2007

OFFICE OF PETITIONS

In re Application of :
Ormand Gilbert Anderson :
Application No. 11/031,758 : DECISION ON PETITION
Filed: January 6, 2005 :
Attorney Docket No. :
13682.105021

This is a decision on the petition under 37 CFR 1.137(b), filed January 12, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 15, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on October 16, 2006. A Notice of Abandonment was mailed on January 27, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply in the form of an amendment (with fees), (2) the petition fee of $1,500, and (3) an adequate statement of unintentional delay. Accordingly, the failure to timely reply to the non-final Office action of July 15, 2005 is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has

not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,020 extension of time fee submitted with the petition on January 12, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to the deposit account to which it was charged.

This application is being referred to Technology Center AU 3677 for appropriate action in the normal course of business on the reply received January 12, 2007.

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

Frances Hicks
Petitions Examiner
Office of Petitions

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Jackson & Co., LLP
6114 LaSalle Avenue
Suite 507
Oakland, CA 94611-2802

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JUN 0 2 2009

OFFICE OF PETITIONS

In re Application of :
Harry Andrew Bryson et al. :
Application No. 11/031,776 : DECISION ON PETITION
Filed: January 7, 2005 : 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 May 19, 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 Seong-Kun Oh and all attorneys/agents of record has been revoked by the assignee of the patent application on June 9, 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: 3COM Corporation
350 Campus Drive
Marlborough, MA 01752-3064

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 05/05/2010

Applicant	: Peter Jahrling	: DECISION ON REQUEST FOR
Patent Number	: 7650656	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/031,799	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/07/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **597** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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THORPE NORTH & WESTERN, LLP
P.O. BOX 1219
SANDY UT 84091-1219

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APR 07 2008

In re Application of	:	
Lloyd Ash	:	
Application Number: 11/031811	:	DECISION ON PETITION
Filing Date: 01/07/2005	:	
Attorney Docket Number:	:	
22409.NP	:	

This is a decision on the petition filed on March 7, 2008, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on February 29, 2008, for failure to timely submit the issue and publication fee(s) in response to the Notice of Allowance and Fee(s) Due mailed on November 28, 2007, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on March 24, 2008.

Receipt of the issue and publication fees submitted with the present petition is acknowledged.

---

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

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

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

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

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

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

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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SENNIGER POWERS LLP
100 NORTH BROADWAY
17TH FLOOR
ST LOUIS, MO 63102

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JUN 22 2010

OFFICE OF PETITIONS

In re Patent No. 7,387,656 :
Issue Date: June 17, 2008 :
Application No. 11/031,820 : NOTICE
Filed: January 7, 2005 :
Attorney Docket No. ENV10006 :

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

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-1642.

/AMW/
April M. Wise
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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HAMILTON & TERRILE, LLP
P.O. BOX 203518
AUSTIN, TX 78720

Mail Date: 04/20/2010

Applicant	: Elie Jreij	: DECISION ON REQUEST FOR
Patent Number	: 7612508	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/031,831	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/07/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **599** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

SCAN! **Please forward case and paper to address shown below.**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/19/07

Paper No.: _____

TO SPE OF : ART UNIT 2627

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/031849 Patent No.: 7251089

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

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

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

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

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: The corrections do not change the scope of the claims. They are just clerical errors. F.T. 3/5/2008.

SPE 3/5/08

2627
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090717

DATE : July 18, 2009

TO SPE OF : ART UNIT 1654

SUBJECT : Request for Certificate of Correction on Patent No.: 7538185

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

Please complete this form and return with file, within 7 days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

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

Thank You For Your Assistance **Certificates of Correction Branch**

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

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: /Cecilia Tsang/ **Art Unit** 1654

PAGE 1/2 * RCVD AT 7/20/2009 12:35:24 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/39 * DNIS:2709990 * CSID:5712730200 * DURATION (mm-ss):00-38

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090717

DATE : July 18, 2009

TO SPE OF : ART UNIT 1654

SUBJECT : Request for Certificate of Correction on Patent No.: 7538185

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

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

Thank You For Your Assistance **Certificates of Correction Branch**

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

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: /Cecilia Tsang/ **Art Unit** 1654

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/031,851	01/07/2005	Krishna Peri	GOUD:056US/10500267	1072

48064 7590 07/21/2009

FULBRIGHT & JAWORSKI, LLP
600 CONGRESS AVENUE
SUITE 2400
AUSTIN, TX 78701

EXAMINER	
LUKTON, DAVID	
ART UNIT	PAPER NUMBER
1654	
MAIL DATE	DELIVERY MODE
07/21/2009	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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090717

DATE : July 22, 2009

TO SPE OF : ART UNIT 1654

SUBJECT : Request for Certificate of Correction on Patent No.: 7538185

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

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

Thank You For Your Assistance **Certificates of Correction Branch**

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

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: /Cecilia Tsang/ **Art Unit** 1654

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DEC 10 2007

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STEPHEN A. SLUSHER
PALATIN TECHNOLOGIES, INC,
4-C CEDAR BROOK DRIVE
CRANBURY, NEW JERSEY 08512

In re Application of	:
Sharma et al	:
Serial No.: 11/031,898	: Decision on Petition
Filed : 7 JANUARY 2005	:
Attorney Docket No 70025-US-21417	:

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on 16 October 2007.

BACKGROUND

The petition filed under 37 CFR 1.144 requests reconsideration of the restriction requirement mailed 22 March 2007. The restriction requirement mailed 22 March 2007 divided claims 1-24 into 3 groups and then required a restriction to a single fully defined peptide that corresponds to Formula I. The action also stated that the requirement to elect a peptide was **"not a species election."**

I. Claims 1-16, drawn to a tri or tetrapeptide compound; classified in class 530, subclass 330/331.

II. Claims 17-19, drawn to a pharmaceutical composition comprising a tri or tetrapeptide and other agents; classified in class 514, subclass 2.

III. Claims 20-24, drawn to a method of treating sexual dysfunction using a tri or tetrapeptide; classified in class 424, subclass 1.69.

On 23 April 2007, Applicants elected with traverse, Group I, Claims 1-16 and peptide of formula:

NH_2-$(CH_2)_6$-CO-Ser(Bzl)-D-Phe(4-Cl)-Arg

On 16 July 2007, the examiner considered the traversal of the restriction requirement and made it FINAL. Claims 17-24 were withdrawn as being directed to non-elected invention. Claims 1-16 were objected to for not being commensurate in scope with the elected compound. Claim 16 was rejected under 35 USC 112, second paragraph.

This petition was filed 16 October 2007, before the filing of a Notice of Appeal, and is thus considered timely.

DISCUSSION

The application, petition and file history have been considered carefully. The petition requests

(1) rejoinder of Group I, drawn to a compound and Group II, drawn to a composition comprising the compound of Group I and

(2) withdrawal of the restriction to a single species of peptide.

MPEP 803 discusses the two criteria for a proper requirement for restriction between patentably distinct inventions:

> (A) The inventions must be independent (see MPEP § 802.01, § 806.06, § 808.01) or distinct as claimed (see MPEP § 806.05 - § 806.05(j)); and
>
> (B) There would be a serious burden on the examiner if restriction is not required (see MPEP § 803.02, § 808, and § 808.02).

Because the composition of Group II requires the compound of Group I along with other elements, such as a pharmaceutically acceptable carrier (claim 17), Group I and II are not distinct and restriction between Group I and II cannot be maintained.

Turning now to the requirement for election of a single species, applicants original claims were generic to their elected species. Whether the Office calls the various tri- and tetra- peptides "species" or "inventions" is moot because MPEP 809 states that generic claims must be examined with the elected species/invention as linking claims. MPEP 809 also describes the common types of linking claims as genus claims linking species claims. In this case, the various tri- and tetra-peptides were not originally set forth as a series of separate species claims. All original claims were generic. For this reason, applicants are correct that this requirement should have been set forth as an election of species per 37 CFR 1.146, using Form Paragraph 8.01, as follows:

> This application contains claims directed to the following patentably distinct species **of tri and tetra peptides**. The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. **Originally filed claims 1-19 were** generic.

There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected species**, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election of the species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

The examination practice for claims which recite a list of alternative embodiments is set forth in MPEP 803.02, which states:

> In applications containing a Markush-type claim that encompasses at least two independent or distinct inventions, the examiner may require a provisional election of a single species prior to examination on the merits. An examiner should set forth a requirement for election of a single disclosed species in a Markush-type claim using form paragraph 8.01 when claims limited to species are present or using form paragraph 8.02 when no species claims are present. See MPEP § 808.01(a) and § 809.02(a). Following election, the Markush-type claim will be examined fully with respect to the elected species and further to the extent necessary to determine patentability. If the Markush-type claim is not allowable, the provisional election will be given effect and examination will be limited to the Markush-type claim and claims to the elected species, with claims drawn to species patentably distinct from the elected species held withdrawn from further consideration.

Applicant is correct in that 37 CFR 1.821(a) specifically excludes tri-peptides and compounds containing D-amino acids from compliance with the sequence requirements.

DECISION

The petition filed under 37 CFR 1.144 is **GRANTED.**

The restriction requirement between Group I (compound) and Group II (composition comprising the compound of Group I) has been withdrawn. Claims 17-19 will be rejoined with Group I for examination on the merits.

Claims 20-24 remain withdrawn from examination as being directed to method of Group III. Should all claims directed to the polypeptides of Group I/II become allowable, Applicants may be entitled to rejoinder for methods of making or using the allowable polypeptides, per MPEP 821.04(b).

The restriction requirement between various tri- and tetra-peptides of Formula I has been reformulated as an election of species requirement. Examination practice will follow 37 CFR 1.146 and MPEP 803.02, starting with the first species, Applicant's original election of

NH_2-$(CH_2)_6$-CO-Ser(Bzl)-D-Phe(4-Cl)-Arg

It is noted that Applicants have amended claim 1 to be limited to the single, fully defined tri-peptide as required by the examiner in the first Office action on the merits. However, the objection to originally filed claims 1-16 for not being commensurate with the elected tri-peptide was not appropriate. Applicants are entitled to an examination of generic claims which encompass an elected species.

Applicants will be given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to an amendment to submit generic claim which encompass the elected species. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Upon the receipt of any amendment filed in response to this petition decision, this application will be forwarded to the Examiner to consider the papers filed on 16 October 2007 and to prepare a non-final Office action on the merits consistent with this decision. That action may include an election of species requirement or a restriction requirement.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist/Program Manager Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-1600 or by Official Fax at 571-273-8300.

Bruce Kisliuk
Director, Technology Center 1600

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Alton W. Payne
5508 Grand Lake
Houston TX 77081

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OFFICE OF PETITIONS

In re Application of :
Welker :
Application No. 11/031,928 : ON PETITION
Filed: January 8, 2005 :
Attorney Docket No. WEL-03 :
For: FIXTURE AND METHODS

This is a decision on the petition under 37 CFR 1.137(b), filed April 3, 2006 (certificate of mailing March 29, 2006), to revive the above-identified application.

The above-identified application became abandoned for failure to reply to the Notice to File Missing Parts of Nonprovisional Application action mailed February 28, 2005, which set a 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 April 29, 2005. The filing of the present petition precedes the mailing of A Notice of Abandonment.

Petitioner has submitted additional claim fees in reply to the February 28, 2005 Notice, an acceptable statement of the unintentional nature of the delay in responding to the February 28, 2005 Notice, and the required petition fee.

The petition is **GRANTED**.

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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ALTON W. PAYNE
5508 GRAND LAKE
HOUSTON, TX 77081

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SEP 19 2008

In re Application of
Mark L. Welker
Application No. 11/031,928
Filed: January 8, 2005
Attorney Docket No. WEL-03

ON PETITION

This is a decision in response to the petition, filed June 4, 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 an Office communication mailed June 25, 2007. A Notice of Abandonment was mailed on February 8, 2008. In response, on June 4, 2008, the present petition was filed.

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

The application is being referred to Technology Center AU 2885 for consideration of the response filed June 4, 2008.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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LEFEVOUR LAW GROUP, LLC
4365 LAWN AVE
SUITE 5
WESTERN SPRINGS, IL 60558

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OFFICE OF PETITIONS

In re Application of
Terry A. HORNER, et al
Application No. 11/031,929
Filed: January 8, 2005
Attorney Docket No. 070-005US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 17, 2007.

The request is **APPROVED**.

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

The request was signed by Martin Lefevour on behalf of all attorneys/agents of record who are associated with customer No. 50717.

All attorneys/agents associated with the Customer Number 50717 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 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 the undersigned at 571-272-6735.

There is an outstanding Office action mailed September 26, 2007 that requires a reply by the applicant.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: TAH INDUSTRIES, INC.
8 APPLEGATE DRIVE
ROBBINSVILLE, NJ 08691

cc: BEV COOPER, NORDSTRON CORPORATION
MAIL STOP 118
28601 CLEMENS ROAD
WESTLAKE, OH 44145

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/031,929	01/08/2005	Terry A. Horner	070-005US

CONFIRMATION NO. 8493

POWER OF ATTORNEY NOTICE

50717
LEFEVOUR LAW GROUP, LLC
4365 LAWN AVE
SUITE 5
WESTERN SPRINGS, IL 60558

OC000000027215105

Date Mailed: 12/11/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/17/2007.

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

/dcgoodwyn/

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

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MICHAEL B. MCNEIL
LIELL & MCNEIL ATTORNEYS PC
P.O. BOX 2417
BLOOMINGTON, IN 47402

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OFFICE OF PETITIONS

In re Application of	:	
Robert O. Stuart et al	:	DECISION ON PETITION
Application No. 11/031,933	:	TO MAKE SPECIAL UNDER
Filed: January 7, 2005	:	37 CFR 1.102(c)(1)
Attorney Docket No. STUART-ISAM.1	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 14, 2005, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by Robert O. Stuart attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

This matter is being referred to Technology Center AU 2642 action on the merits commensurate with this decision.

Amelia Au
Petitions Examiner
Office of Petitions

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U.S. Army Communications-Electronics Command
AMSEL-LS-L (Roger C. Phillips, Esq.)
Fort Monmouth, NJ 07703-5010

Mail Date: 04/21/2010

Applicant	: Yuk Chan	: DECISION ON REQUEST FOR
Patent Number	: 7598000	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/031,949	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/05/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1283** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN, TX 78701

Mail Date: 04/21/2010

Applicant	: Shawn Levy	: DECISION ON REQUEST FOR
Patent Number	: 7569392	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/031,973	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/07/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **912** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

THORPE NORTH & WESTERN, LLP.
P.O. BOX 1219
SANDY, UT 84091-1219

In re Application of :
Brian A. JONES :
Application No. 11/031,978 : ON PETITION
Filed: January 7, 2005 :
Attorney Docket No. 01898-22772.NP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 29, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

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 31, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). *See* MPEP 711.03(c)(III)(A)(2). Since the amendment submitted does not *prima facie* place the application in condition for allowance (see attached Advisory Action), the reply required must be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b).

The statement of unintentional delay cannot be accepted because it is signed by an assignee who has not properly established ownership. 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.

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).

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

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

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

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

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

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

Thurman K. Page
Petitions Examiner
Office of Petitions

Attachment: Advisory Action

cc: JODY CLARK,
VP OF SALES & MARKETING,
SALERITY TECHNOLOGIES, INC.
2484 WEST CUSTER RD.,
SALT LAKE CITY, UT 84104

Advisory Action Before the Filing of an Appeal Brief	Application No. 11/031,978	Applicant(s) JONES, BRIAN A.	
	Examiner Kuo-Liang Peng	Art Unit 1796	

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

THE REPLY FILED 29 May 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

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

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

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

NOTICE OF APPEAL

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

AMENDMENTS

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

   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

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

   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

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

REQUEST FOR RECONSIDERATION/OTHER

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

/Kuo-Liang Peng/
Primary Examiner, Art Unit 1796

Continuation of 3. NOTE: Replacing chromatographic solid "substrate material" with chromatographicsolid "substrate" alters the scope of the claims and requires further consideration and/or search.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THORPE NORTH & WESTERN, LLP.
P.O. BOX 1219
SANDY, UT 84091-1219

MAILED

JAN 08 2010

OFFICE OF PETITIONS

In re Application of :
Brian A. JONES :
Application No. 11/031,978 : ON PETITION
Filed: January 7, 2005 :
Attorney Docket No. 01898-22772.NP :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 25, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

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 31, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). *See* MPEP 711.03(c)(III)(A)(2). Since the amendment submitted does not *prima facie* place the application in condition for allowance (see the attached Advisory Action previously mailed with the decision dated September 25, 2009), the reply required must be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b).

Any renewed petition should include an updated statement of unintentional delay (please see the attached Form *PTO/SB/64 – Petition for Revival of An Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)).*

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

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

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

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

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

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

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

ATTACHMENTS: Advisory Action
PTO/SB/64 - Petition for Revival

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 11/031,978	**Applicant(s)** JONES, BRIAN A.	
	Examiner Kuo-Liang Peng	**Art Unit** 1796	

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

THE REPLY FILED 29 May 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

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

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

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

NOTICE OF APPEAL

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

AMENDMENTS

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

   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

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

AFFIDAVIT OR OTHER EVIDENCE

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

REQUEST FOR RECONSIDERATION/OTHER

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

/Kuo-Liang Peng/
Primary Examiner, Art Unit 1796

Continuation of 3. NOTE: Replacing chromatographic solid "substrate material" with chromatographicsolid "substrate" alters the scope of the claims and requires further consideration and/or search.

OIPE JC109 JUN 23 2005 PATENT & TRADEMARK OFFICE

11/7/05 APPROVED

I-PW

PTO/SB/83 (04-05)
Approved for use through 11/30/2005. OMB 0651-0035
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	11/031,981
Filing Date	January 7, 2005
First Named Inventor	David J. Lehse
Art Unit	3654
Examiner Name	Not yet assigned
Attorney Docket Number	6974-0003-1

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

Please withdraw me as attorney or agent for the above identified patent application, and

☐ all the attorneys/agents of record.

☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or

☑ the attorneys/agents associated with Customer Number 000050811

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are: Failure to timely pay invoices.

CORRESPONDENCE ADDRESS

1. ☐ The correspondence address is NOT affected by this withdrawal.
2. ☑ Change the correspondence address and direct all future correspondence to:

☐ The address associated with Customer Number:

OR

☐ Firm *or* Individual Name	Ms. Christina Burns				
Address	26 Center Street P.O. Box 72				
City	Canton	State	CT	Zip	06019
Country	United States				
Telephone	860-693-2103	Email			

Signature	Richard D Getz		
Name	Richard D. Getz	Registration No.	36,147
Date	June 21, 2005	Telephone No.	413-731-3100 ext.103

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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O'SHEA, GETZ & KOSAKOWSKI, P.C.
1500 MAIN ST.
SUITE 912
SPRINGFIELD, MA 01115

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AUG 1 8 2006

OFFICE OF PETITIONS

In re Application of :
Lehse, et al. :
Application No. 11/031,981 : DECISION ON PETITION
Filed: January 7, 2005 : TO WITHDRAW
Attorney Docket No. 6974-0003-1 : 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 June 23, 2005 and April 13, 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 Richard D. Getz on behalf of all attorneys of record who are also associated with customer No. 50811.

All attorneys/agents associated with this application 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 David J. Lehse at the address indicated below.

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. Furthermore there is no record in the file that the assignee has intervened with a proper 3.73(b) statement.

There is an outstanding Office action mailed April 5, 2006 that requires a reply from the applicant.

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

Amelia Au
Petitions Examiner
Office of Petitions

cc: David J. Lehse
4871 Heather Ridge Road
Oakdale, MN 55128-2226

cc: Ms. Christina Burns
26 Center Street
PO Box 72
Canton, CT 06019

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
11/031,981	01/07/2005	David J. Lehse	6974-0003-1

CONFIRMATION NO. 3136

OC000000020034523

OC000000020034523

Richard D. Getz
O'Shea, Getz & Kosakowski, P.C.
Suite 912
1500 Main Street
Springfield, MA 01115

Date Mailed: 08/15/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/13/2006.

- 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

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AUG 23 2007

OFFICE OF PETITIONS

In re Application of :
Masahiro Aoyagi et al :
Application No. 11/031,995 : DECISION GRANTING PETITION
Filed: January 11, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 261606US2XDIV :

This is a decision on the petition, filed August 22, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 9, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2813 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\aug10\031995.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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Alexandria, VA 22313-1450
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ALUN L. PALMER, PATENT AGENT
4300 PINEY CHURCH ROAD
WALDORF MD 20602

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FEB 11 2008

OFFICE OF PETITIONS

In re Application of :
LENNARTZ, Vincent J., Jr. :
Application No. 11/032,007 : DECISION ON PETITION
Filed: January 11, 2005 : TO WITHDRAW
Attorney Docket No. **JL 04-1** : 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 20, 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 Tredelle Jackson at 571-272- 2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **VINCENT J. LENNARTZ, JR.**
P O BOX 1494, 30839 MANITOBA DRIVE
EVERGREEN, CO 80437-1494

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DEC 22 2009

OFFICE OF PETITIONS

BRETT J TROUT PC
516 WALNUT
DES MOINES IA 50309

In re Application of :
Alan B. Haige :
Application No. 11/032,018 : ON PETITION
Filed: January 6, 2005 :
Title: Agricultural Sprayer :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed October 16, 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 June 18, 2009. This Notice set a statutory period for reply of three months. No issue fee having been received, the application became abandoned on September 19, 2009. The Office mailed a Notice of Abandonment on October 7, 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

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

Ked & Associates, LLP
P.O. Box 221200
Chantilly, VA 20153-1200

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MAR 0 2 2009

OFFICE OF PETITIONS

In re Application of :
Ivo Barbi et al. :
Application No. 11/032,043 : DECISION ON PETITION
Filed: January 11, 2005 : TO WITHDRAW
Attorney Docket No. TIN-0003 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 6, 2009

The request is **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 Daniel Y.J. Kim on behalf of all attorneys/agents associated with customer number 34610. All attorneys/agents associated with customer number 34610 have been withdrawn.

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

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to address of the first signing inventor at the first copied address below. A courtesy copy of this decision will be mailed to the address noted on the request. If this person(s) desire to receive future correspondence regarding this application, the proper power of attorney documents and/or a proper statement under 37 CFR 3.73(b) must be submitted if an assignee has interest in this application.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Ivo Barbi
Universidade Federal de Santa Catarina
Centro Technologico Departmento de
Engenharia Eletrica – Caixa Postal 5119
Trindade – Florianopolis, SC
BRAZIL

cc: WEG S.A.
Av. Pref. Waldemar Grubba
Jaragua do Sul, SC 89256-900
BRAZIL

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/032,043	01/11/2005	Ivo Barbi	TIN-0003

CONFIRMATION NO. 1642

POWER OF ATTORNEY NOTICE

34610
KED & ASSOCIATES, LLP
P.O. Box 221200
Chantilly, VA 20153-1200

OC000000034789208

Date Mailed: 03/02/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/06/2009.

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

/kainabinet/

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

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

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

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OCT 28 2009

OFFICE OF PETITIONS

In re Patent No. 7,542,170
Issued: June 2, 2009
Application No. 11/032,049
Filed: January 11, 2005
Attorney Docket No. 320529200US

: DECISION ON REQUEST
: FOR RECONSIDERATION OF
: PATENT TERM ADJUSTMENT

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT RECONSIDERATION UNDER 37 C.F.R. § 1.705(B)" filed August 3, 2009, requesting that the patent term adjustment determination for the above-identified patent be changed from eight hundred ten (810) days to one thousand sixty-seven (1067) days.

The request for reconsideration of patent term adjustment is **DISMISSED**.

On June 2, 2009, the above-identified application matured into US Patent No. 7,542,170 with a patent term adjustment of 810 days. This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See 37 CFR 1.705(d).

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

Patentees request recalculation of the patent term adjustment based on the decision in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentees assert that in view of the decision in Wyeth, they are entitled to a total patent term adjustment of 1067 days, which includes 396 days due to exceeding three year pendency.

Patentees do not dispute that the total period of Office delay is the sum of the period of Three Years Delay (396 days) and the period of Examination Delay (810 days) to the extent that these periods of delay are not overlapping. However, in effect, patentees contend that 139 days of the Three Year Delay period overlaps with the examination delay. Accordingly, patentees submit that the total period of adjustment for Office delay is 1206 days, which includes the period of Three Year Delay (396 days) and the period

of Examination Delay (810 days), reduced by the period of overlap (139 days). As such, patentees assert entitlement to a patent term adjustment of 1067 days (396 + 810 reduced by 139 overlap – 0(applicant delay)).

The Office contends that all 396 days for over three year pendency overlap with the 810 days accorded for Office delay during the pendency of the application, and thus, no additional days were entered for over three year delay. 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).

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.

As such, the period for over three-year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames. In other words, consideration of the overlap does not begin three years after the filing date of the application.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the entire period during which the application was pending before the Office, January 11, 2005, to the date the first RCE was filed on February 10, 2009. (There were no periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)). Prior to the issuance of the patent, 810 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 396 days for Office delay in issuing the patent overlap with the 810 days of Office delay. During that time, the issuance of the patent was delayed by 810 days, not 810 + 396 days. The Office experienced 810 days of examination delay. Otherwise, the Office took all actions set forth in 37 CFR 1.702(a) within the prescribed time frames. Nonetheless, given the 810 days of Office delay and the time allowed within the time frames for processing and examination, the application was pending three years and 396 days. The Office did not delay 810 days and then an additional 396 days. Accordingly, 810 days of patent term adjustment (not 810 and 396 days) was properly entered. The period of delay of 396 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 810 days attributable to grounds specified in § 1.702(a)(1). Entry of both periods is not warranted. 810 days is determined to be the

actual number of days that the issuance of the patent was delayed, considering the 396 days over three years to the issuance of the patent.

Accordingly, at issuance, the Office properly entered 0 additional days of patent term adjustment for the Office taking in excess of three years to issue the patent.

In view thereof, no adjustment to the patent term will be made.

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

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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September 15, 2006

FILE COPY

Patent No. :7,092,800 B2
Application Number :11/032053
Patent Issued : August 15, 2006
Title : **LIFTING RESTRICTIVE SIGNALING IN A BLOCK**
Docket No. :3805-032-27 CONT

Re: Request for Certificate of Correction

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

Inspection of the patent application file reveals, that the alleged error(s) on title page (item 60), the patent is printed in accordance with the record in the Patent and Trademark Office of the application as passed to issue by the examiner. Therefore, being no fault on the part of the Patent and Trademark Office, is has no authority to issue a certificate of correction under the provisions of 35 U.S.C. 254 and Rule 1.322 of the rules of Practice of the United States Patent and Trademark Office in Patent Cases.

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

Elisha Evans
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 110 or (703) 308-8309

DLA PIPER US LLP
ATTN: PATENT GROUP
1200 NINETEENTH STREET, NW
WASHINGTON DC 20036

CBN/eme

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : November 1, 2006

TO SPE OF : ART UNIT 3661

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/032053 Patent No.: 7,092,800 B2

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

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

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

Elisha Evans

Certificates of Correction Branch

703-308-9390 ext. *110*

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: All change apply ~~as~~ in view of transmittal paper of 1/11/05 (box 16) and Bib Data Sheet of 5/5/06

SPE

3661
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

Mail Date: 04/21/2010

Applicant	: Yoshiaki Okui	: DECISION ON REQUEST FOR
Patent Number	: 7579714	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/032,096	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **132** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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SHOOK, HARDY & BACON L.L.P.
(MICROSOFT CORPORATION)
INTELLECTUAL PROPERTY DEPARTMENT
2555 GRAND BOULEVARD
KANSAS CITY, MO 64108-2613

Mail Date: 04/21/2010

Applicant	: Suresh Venkatraman	: DECISION ON REQUEST FOR
Patent Number	: 7665091	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/032,102	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1438** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/25-08

TO SPE OF : ART UNIT 2855

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/032111 Patent No.: 7181983

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

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

Please check claims

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

Certificates of Correction Branch

703-308-9390 ext. 117

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

SPE

2855
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 2-4-09

Paper No.: _____

TO SPE OF : ART UNIT 2629

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/032114 Patent No.: 7391413

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

FOR IFW FILES: Should CofC be approved -

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

Ennis Young
Certificates of Correction Branch
703-308-9390 ext. 117

Thank You For Your Assistance

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

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

Comments: _____

RICHARD H. IERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

_____ **SPE**

2629 **Art Unit**

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, PC
1940 DUKE STREET
ALEXANDRIA, VA 22314

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SEP 2 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Takashi Ida, et al.	:	
Application No. 11/032,152	:	DECISION GRANTING PETITION
Filed: January 11, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 259537US2SRD DIV	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 21, 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 1, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2624 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Frances M. Hicks
Petitions Examiner
Office of Petitions

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

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

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OFFICE OF PETITIONS

In re Application of

Hosoe, et al.

Application No. 11/032,156

Filed: January 11, 2005

DECISION ON PETITION

Attorney Docket No. **1614.1454**

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed June 19, 2009.

The petition is **granted**.

This application was held abandoned on January 30, 2009, after no reply was received to the final Office action mailed October 29, 2008. . The notice set forth a shortened statutory period of reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on January 30,2 009. A Notice of Abandonment was mailed June 1, 2009. The instant petition was filed on June 19, 2009. Petitioner maintains that the notice of October 29, 2008, was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner

> where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to Technology Center GAU 2188 for further processing that will include remailing the final Office action and resetting of the period for reply.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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JOE RAYMOND CLEMENT
16218 WOODLAND LANE
MINNETONKA, MN 55345

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APR 0 4 2006

OFFICE OF PETITIONS

In re Application of :
Joe Raymond Clement :
Application No. 11/032,161 : DECISION GRANTING PETITION
Filed: June 21, 2005 : UNDER 37 CFR 1.137(b)
For: MAGNETIC SECUREMENT DEVICE :
MAGNETICALLY ATTACHED TO A
SHEETROCK FASTENER

This is a decision on the petition under 37 CFR 1.137(b), filed January 17, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit corrected drawings on or before September 21, 2005, as required by the Notice of Allowability mailed June 21, 2005. Accordingly, the date of abandonment of this application is September 22, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply (drawings); (2) the petition fee of $750; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowability of June 21, 2005 is accepted as having been unintentionally delayed.

The petition was accompanied by a terminal disclaimer. However, the filing of a terminal disclaimer is unnecessary as a condition for revival of this application. *Note* 37 CFR 1.137(d). Accordingly, the $65 fee submitted therefor is unnecessary. Petitioner may file a request for refund of the $65 terminal disclaimer fee submitted by writing to: Mail Stop 16, Director of the U.S. Patent and Trademark Office, P O Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

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

This matter is being referred to the Examiner of Technology Center AU 1673 for appropriate action on the amendment filed January 17, 2005.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\Apr9\032161.wpd

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JUN 0 6 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

Mattingly, Stanger & Malur, P.C.
1800 Diagonal Rd., Suite 370
Alexandria, Virginia 22314

In re Application of: Eguchi, et al.
Application No. 11/032,172
Filed: 11 January 2005
For: STORAGE SUBSYSTEM AND PERFORMANCE TUNING METHOD

DECISION ON PETITION FOR ACCELERATED EXAMINATION UNDER M.P.E.P.§708.02(VIII)

This is a decision on the petition filed 24 March 2005 under 37 C.F.R. 102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **GRANTED**.

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

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

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

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

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

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

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

Petition to Make Special **GRANTED** since all of the requirements for special status under MPEP § 708.02(VIII) have been met.

The application file is being forwarded to the Examiner for accelerated examination in accordance with the procedures set forth in M.P.E.P. §708.02, Section VIII. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. §1309.

Brian L. Johnson
Special Program Examiner 6/3/05
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3595

GO

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30 ROCKEFELLER PLAZA
NEW YORK NY 10112-3801

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JAN 19 2007

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
TAKAYUKI NISHINOHARA
Application No. 11/032173
Filed: January 11, 2005
Attorney Docket No. 00862.102637

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 December 28, 2006, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone 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

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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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

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In re Application of :
Douglas J. Callahan, et al. :
Application No. 11/032,191 : DECISION ON PETITION
Filed: January 10, 2005 :
Attorney Docket No. 7433-000006 :

This is a decision on the petition, filed January 10, 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 pay the issue and publication fees on or before November 30, 2007, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed August 30, 2007. A Notice of Abandonment was mailed on January 2, 2008.

Petitioner asserts that the Notice dated August 30, 2007 was not received.

A review of the application file reveals no irregularities in the mailing of the Notice mailed August 30, 2007. Thus, there is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Notice, petitioner must submit evidence to overcome this presumption. The following showing is required:

> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month

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

Petitioner has adequately supported his claim of non-receipt with such evidence..

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

This application is being referred to the Technology Center AU 1724 technical support staff for **re-mailing** the Notice of Allowability and the Notice of Allowance and Fee(s) Due of August 30, 2007. The period for paying the issue and publication fees will be reset to expire three (3) months from the date the Notices are re-mailed. This period is not extendable under the provisions of 37 CFR 1.136.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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C/O YEE & ASSOCIATES PC
P.O. BOX 802333
DALLAS TX 75380

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JUN 24 2008

OFFICE OF PETITIONS

In re Application of :
Carlson, et al. : DECISION ON PETITION
Application No. 11/032,195 :
Filed: January 10, 2005 :
Atty. Dkt. No: AUS920040526US1 :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed April 15, 2008.

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.

The application became abandoned December 29, 2007 for failure to timely submit a proper reply to the non-final Office action mailed September 28, 2007. The non-final Office action set a three month shortened statutory period of time for reply. No extension of time was requested. Notice of Abandonment was mailed April 10, 2008.

Petitioners argue non-receipt of the Notice. Petitioners indicate that a search of the file jacket and docket records indicate that the Office action was not received. Petitioners have provided a copy of the docket record where the non-received Office action would have been entered had it been received and docketed. Petitioners have included a statement from Monica Gamez, who would have docketed the Office Action had it been received. Ms. Gamez also asserts that the non-final Office action was not received.

The showing required to establish non-receipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action

received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response. Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The instant petition does not establish non-receipt of the Notice in compliance with the procedures set forth at MPEP 711.03(c).

Any renewed petition must establish non-receipt of the Notice as set forth at MPEP 711.03(c).

ALTERNATE VENUE

Petitioners may wish to consider filing a petition stating that the delay was unintentional. Petitioners' attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply. *See*, enclosed.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a

statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

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

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JUN 24 2008

OFFICE OF PETITIONS

In re Application of :
Carlson, et al. : DECISION ON PETITION
Application No. 11/032,195 :
Filed: January 10, 2005 :
Atty. Dkt. No: AUS920040526US1 :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed April 15, 2008.

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.

The application became abandoned December 29, 2007 for failure to timely submit a proper reply to the non-final Office action mailed September 28, 2007. The non-final Office action set a three month shortened statutory period of time for reply. No extension of time was requested. Notice of Abandonment was mailed April 10, 2008.

Petitioners argue non-receipt of the Notice. Petitioners indicate that a search of the file jacket and docket records indicate that the Office action was not received. Petitioners have provided a copy of the docket record where the non-received Office action would have been entered had it been received and docketed. Petitioners have included a statement from Monica Gamez, who would have docketed the Office Action had it been received. Ms. Gamez also asserts that the non-final Office action was not received.

The showing required to establish non-receipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action

received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response. Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The instant petition does not establish non-receipt of the Notice in compliance with the procedures set forth at MPEP 711.03(c).

Any renewed petition must establish non-receipt of the Notice as set forth at MPEP 711.03(c).

ALTERNATE VENUE

Petitioners may wish to consider filing a petition stating that the delay was unintentional. Petitioners' attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply. *See*, enclosed.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a

statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

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

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C/O YEE & ASSOCIATES PC
P.O. BOX 802333
DALLAS TX 75380

In re Application of :
Carlson, et al. : DECISION ON PETITION
Application No. 11/032,195 :
Filed: January 10, 2005 :
Docket No.: AUS920040526US1 :

This is a decision on the renewed petition under 37 CFR 1.181, filed August 14, 2008, to withdraw the holding of abandonment.

The petition is **GRANTED**.

The application was held abandoned December 29, 2007 for failure to timely submit a proper reply to the non-final Office action mailed September 28, 2007. The non-final Office action set a three month shortened statutory period of time for reply. No extension of time was requested. Notice of Abandonment was mailed April 10, 2008. A petition under 37 CFR 1.181 was filed April 15, 2008 and dismissed June 24, 2008.

Petitioners continue to assert non-receipt of the non-final Office action.

The showing required to establish non-receipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response. Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket

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

The instant petition has been carefully reviewed and found in compliance with the procedures set forth at MPEP 711.03(c).

In view 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**.

This application is being directed to Group Art Unit 2624 for re-mailing of the non-final Office action. The time period for reply to the non-final Office action will be reset at the time of its re-mailing.

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

8-20-09

Patent No. : 7,528,699B2
Ser. No. : 11/032,197
Inventor(s) : Takuya Nagai
Issued : May 5, 2009

Re: Request for Certificate of Correction

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

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

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

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

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

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

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1583 or 1580

Oliff & Berridge
P.O.Box 320850
Alexandria, VA 22320-4850

ej

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

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APR 02 2010

OFFICE OF PETITIONS

In re Patent No. 7,528,699 :
Issue Date: May 5, 2009 :
Application No. 11/032,197 : ON PETITION
Filed: January 11, 2005 :
Attorney Docket No. 120884 :

This is a decision on the petition filed August 28, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is not signed by a registered patent practitioner of record. However, in accordance with 37 CFR 1.34, the signature of James A. Oliff appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The request is **GRANTED**.

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

MAILED

MAR 19 2009

OFFICE OF PETITIONS

In re Patent Number 7406871 :
Issue Date: 08/05/2008 :
Application Number: 11/032222 : ON PETITION
Filing or 371(c) Date: 01/11/2005 :
Attorney Docket Number: 11-284 :

This is a decision on the petition filed October 9, 2008, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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

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www.uspto.gov

Browdy and Neimark, P.L.L.C.
624 Ninth Street, N.W.
Washington, DC 20001

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APR 15 2008

OFFICE OF PETITIONS

In re Application of :
John Joseph Kopchick et al. :
Application No. 11/032,232 : DECISION ON PETITION
Filed: January 11, 2005 : TO WITHDRAW
Attorney Docket No. KOPCHICK4B : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 31, 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 Iver P. Cooper 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 correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-291.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Robert Malott**
Ohio University
Technology Transfer Office
340 State Street-Unit 14
Athens, OH 45701

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/032,232	01/11/2005	John Joseph Kopchick	KOPCHICK4B

CONFIRMATION NO. 1051

BROWDY AND NEIMARK, P.L.L.C.
624 Ninth Street, N.W.
Washington, DC 20001

POWER OF ATTORNEY NOTICE

OC000000029386523

Date Mailed: 04/14/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/31/2007.

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

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

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DEC 28 2007

OFFICE OF PETITIONS

In re Application of	:	
Philippe BRULET, et al	:	
Application No. 11/032,236	:	DECISION ON PETITION
Filed: January 11, 2005	:	TO WITHDRAW
Attorney Docket No. 03495.0328	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 24, 2007.

The request is **APPROVED**.

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

Deborah Katz has been withdrawn as attorney of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There are no outstanding Office actions pending at the present time.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

23 MAY 2005

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

In re Application of	:	
ILIEV	:	
Application No.: 11/032,239	:	DECISION
Attorney Docket No.: P70351US0	:	
For: DEVICE FOR WINDING AND UNWINDING	:	
THE LOWER PART OF FISHING LINE	:	

This decision is in response to applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 05 January 2005.

BACKGROUND

On 24 December 2002, applicant filed international application PCT/HR02/00066 which designated the U.S. and claimed a priority date of 28 February 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 12 September 2003. The thirty-month period for paying the basic national fee in the United States expired at midnight on 28 October 2004.

On 05 January 2005, applicant filed, *inter alia*, a transmittal letter requesting filing of a continuation of international application number PCT/HR02/00066, an assertion of small entity status, a specification, claims, and abstract.

On 28 June 2004, applicants also filed a "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)".

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(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 was unintentional.

As to item (1), the filing of the present continuing application under 35 U.S.C. 111(a) on 05 January 2005 is accepted as an appropriate response under 37 CFR 1.137(b).

As to item (2), the petition fee was paid on 05 January 2005.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) to revive international application PCT/HR02/00066 is hereby **GRANTED** as to the National stage in the United States of America for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuing application number 11/032,239.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 04/20/2010

Applicant	: Joseph David Aaron	: DECISION ON REQUEST FOR
Patent Number	: 7617283	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/032,245	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1281** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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A PROFESSIONAL ASSOCIATION
PO BOX 142950
GAINESVILLE, FL 32614-2950

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OFFICE OF PETITIONS

In re Application of :
Robert Sackstein :
Application No. 11/032,256 :
Filed: January 10, 2005 :
Attorney Docket No. USF-203TCDZ3 :

DECISION GRANTING PETITION

This is a decision on the petition filed May 5, 2005, requesting that the above-identified application be accorded a filing date of January 10, 2005.

The petition is **granted**.

On January 10, 2005, the above-identified application was filed. On April 8, 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 the filing of an oath or declaration and replacement drawings. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on May 5, 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 27 claims on January 10, 2005, among other items.

Upon review of the record, the claims were not located among the originally filed application papers. The evidence is convincing, however that 27 claims were present on January 10, 2005. Therefore, the application, including the 27 claims, was complete on filing and entitled a filing date of January 10, 2005.

The petition fee of $400.00 will be refunded deposit account 19-0065, in due course.

The application file will be directed to the Office of Initial Patent Examination for further processing with a filing date of January 10, 2005, using the 27 claims filed on that date. The Office of Initial Patent Examination will issue a corrected filing receipt and will further address the other requirements of the "Notice of Incomplete Nonprovisional Application" that remain outstanding.

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

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

DINSMORE & SHOHL LLP
One Dayton Centre
One South Main Street, Suite 1300
Dayton OH 45402-2023

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MAY 0 9 2005

OFFICE OF PETITIONS

In re Application of :
Michael E. McLean et al. :
Application No. 11/032,264 : DECISION ON PETITION
Filed: January 10, 2005 :
Attorney Docket No.: :
DAY 0609 NA/40195.927 :
Title: LIQUID TRANSFER ARTICLES AND :
METHOD FOR PRODUCING THE SAME USING :
DIGITAL IMAGING PHOTOPOLYMERIZATION :

This is a decision on the petition filed March 8, 2005, requesting that the above-identified application, including 22 pages of specification, be accorded a filing date of January 10, 2005 as part of the original disclosure.

The application was deposited on January 10, 2005. However, on February 28, 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 that the specification was omitted. The notice further indicated that an oath or declaration would be required. The notice set a two-month period of reply.

In response, on March 8, 2005, applicants filed the present petition. The petition is further accompanied by 22 pages comprising 18 pages of specification, 3 pages of claims, and a 1 page abstract. Petitioner has also included a copy of applicants' postcard receipt acknowledging receipt of "22 page specification" in the United States Patent and Trademark Office (Office) on January 10, 2005. Applicants request that the 22 pages be accorded a filing date of January 10, 2005.

It is noted that 18 pages of specification, 3 pages of claims, and a 1 page abstract have been located in the electronic file.

The above-mentioned pages have been located among the application papers. Therefore, the application, including 18 pages of

specification, 3 pages of claims, and a 1 page abstract, was complete on filing and entitled to a filing date of January 10, 2005 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed February 28, 2005 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary, and the petition fee will refunded via the issuance of a Treasury Check in due course.

The application file is being returned to OIPE for further processing with a filing date of January 10, 2005, using the original application papers filed on that date, and for noting in Office records that these sheets were present on filing. 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

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

PATREA L. PABST
PABST PATENT GROUP LLP
400 COLONY SQUARE, SUITE 1200
1201 PEACHTREE STREET
ATLANTA, GA 30361

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JAN 1 0 2008

OFFICE OF PETITIONS

In re Application of :
Wayman Wendell CHEATHAM, et al :
Application No. 11/032,278 : DECISION ON PETITION
Filed: January 10, 2005 : TO WITHDRAW
Attorney Docket No. PDC 131 : FROM RECORD

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 5, 2007.

The request is **APPROVED**.

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

The request was signed by Patrea L. Pabst on behalf of all attorneys/agents of record who are associated with Customer No. 23579.

All attorneys/agents of record associated with Customer Number 23579 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 assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

There are no outstanding Office actions pending at the present time.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: MANNKIND CORPORATION
28903 NORTH AVENUE PAINE
VALENCIA, CA 91355

cc: LOUIS CULLMAN, ESQ.
KL GATES
1900 MAIN STREET
SUITE 600
IRVINE, CA 92614-7319

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
11/032,278	01/10/2005	Wayman Wendell Cheatham	PDC 131

CONFIRMATION NO. 7615

POWER OF ATTORNEY NOTICE

23579
PATREA L. PABST
PABST PATENT GROUP LLP
400 COLONY SQUARE, SUITE 1200
1201 PEACHTREE STREET
ATLANTA, GA 30361

Date Mailed: 01/10/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/05/2007.

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

/dcgoodwyn/

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
www.uspto.gov

KAROLINE K. M. SHAIR
MILLENNIUM PHARMACEUTICALS, INC.
40 LANDSDOWNE STREET
CAMBRIDGE, MA 02139

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FEB 2 4 2006

OFFICE OF PETITIONS

In re Application of	:	
FLEMING et al.	:	DECISION NOTING JOINDER OF
Application No. 11/032,299	:	INVENTOR AND PETITION
Filed: January 10, 2005	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. MPI03-125P1RNM	:	

A petition under 37 CFR 1.47(a) was filed on November 7, 2005. Papers filed on November 25, 2005 included a Declaration signed by a previously non-signing inventor, Neal D. Hone, in compliance with 37 CFR 1.63.

The petition is **DISMISSED AS MOOT**.

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

This matter is being referred to Technology Center Art Unit 1624.

Telephone inquiries should be directed to Denise Pothier at (571) 272-4787.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 04/20/2010

Applicant	: Doug Hutcheson	: DECISION ON REQUEST FOR
Patent Number	: 7627680	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/032,303	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/10/2005	: 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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IRVINE CA 92604

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NOV 13 2007

OFFICE OF PETITIONS

In re Application of :
Gray :
Application No. 11/032,314 : ON PETITION
Filed: January 10, 2005 :
Attorney Docket No. RAP132 :
For: INTEGRATED CARRY-ON
BAGGAGE CART AND PASSENGER
SCREENING STATION

This is a decision on the petition, filed October 23, 2007, to withdraw the holding of abandonment. The petition will be treated under 37 CFR 1.181.

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

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

This application was held abandoned for failure to timely respond to the Notice to File Missing Parts of Nonprovisional Application, mailed April 6, 2005, which set an extendable two (2) month period for reply. A reply was received on October 6, 2005. However, the Office has no record of receiving a petition for a four month extension of time and required fee. Therefore, the Office contended that the application became abandoned on June 7, 2005. A Notice of Abandonment was mailed on August 24, 2007.

Petitioner requests withdrawal of the holding of abandonment. However, there is insufficient information to decide the petition.

Petitioner is informed that credit card authorizations are not kept "on file." After fees have been charged, they are destroyed in order to protect applicants'/petitioners' financial security. Therefore, the Office does not have a copy of the PTO-2038 credit card payment authorization form. Petitioner is requested to submit a copy of the PTO-2038 form that was transmitted via facsimile on October 6, 2005. This copy should be redacted so that account numbers are mostly obscured. In addition, the copy should be clearly marked, "DOCUMENT SUBMITTED AS PART OF A PETITION, NOT INTENDED FOR USE IN COLLECTING FEES." If it is not so

marked, the form will once again be destroyed in Finance Division, well before it reaches the Petitions Office.

In addition, the fact remains that a four month extension of time was not paid/collected on October 6, 2005. This fee is still required, if petitioner can first prove that it was included on the PTO-2038 form that was transmitted via facsimile on October 6, 2005.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **dismissed**.

If petitioner is unable to provide a copy of the PTO-2038 showing that payment of the four month extension of time fees was authorized, the undersigned strongly suggests filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b).

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

If a petition under 37 CFR 1.137(b) is filed, then a four month extension of time is not required. Only the Rule 137(b) petition fee is required.

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

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

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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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FEB 29 2008

In re Application of :
Gray :
Application No. 11/032,314 : ON PETITION
Filed: January 10, 2005 :
Attorney Docket No. RAP132 :
For: INTEGRATED CARRY-ON
BAGGAGE CART AND PASSENGER
SCREENING STATION

This is a decision on the reconsideration petition under 37 CFR 1.181, filed January 11, 2008, to withdraw the holding of abandonment.

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

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

This application was held abandoned for failure to timely respond to the Notice to File Missing Parts of Nonprovisional Application, mailed April 6, 2005, which set an extendable two (2) month period for reply. A reply was received on October 6, 2005. However, the Office has no record of receiving a petition for a four month extension of time and required fee. Therefore, the Office contended that the application became abandoned on June 7, 2005. A Notice of Abandonment was mailed on August 24, 2007.

Petitioner again requests withdrawal of the holding of abandonment. However, there is still insufficient information to decide the petition.

The referenced redacted copy of the PTO-2038 form that was transmitted via facsimile on October 6, 2005 is **not** part of the January 11, 2008 reconsideration petition papers scanned into the electronic file wrapper. Please submit another copy of the document clearly and prominently marked across its face, "DOCUMENT SUBMITTED AS PART OF A PETITION, NOT INTENDED FOR USE IN COLLECTING FEES." It appears the form sent with the present reconsideration petition was destroyed before it reached the Petitions Office.

The $1,590.00 four month extension of time fee was collected on accounting date January 14, 2008.

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

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

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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of :
Gray :
Application No. 11/032,314 : ON PETITION
Filed: January 10, 2005 :
Attorney Docket No. RAP132 :
For: INTEGRATED CARRY-ON
BAGGAGE CART AND PASSENGER
SCREENING STATION

This is a decision on the reconsideration petition under 37 CFR 1.181, filed April 29, 2008, to withdraw the holding of abandonment.

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

This application was held abandoned for failure to timely respond to the Notice to File Missing Parts of Nonprovisional Application, mailed April 6, 2005, which set an extendable two (2) month period for reply. A reply was received on October 6, 2005. However, the Office has no record of receiving a petition for a four month extension of time and required fee. Therefore, the Office contended that the application became abandoned on June 7, 2005. A Notice of Abandonment was mailed on August 24, 2007.

Petitioner requests withdrawal of the holding of abandonment. Petitioner has submitted a redacted copy of the PTO-2038 form that was transmitted via facsimile on October 6, 2005. The PTO-2038 states that the Office had authorization to charge $3,620.00. The Office charged only $2,030.00 in claim fees. The balance, or $1,590.00 was not charged. On October 6, 2005, a four month extension of time fee was $1,590.00.

The Office was in possession of authorization to charge the four month extension of time fee on October 6, 2005, but did not do so. The petition to withdraw the holding of abandonment is granted and the August 24, 2007 Notice of Abandonment is vacated.

Petitioner re-submitted the $1,590.00 four month extension of time fee on January 11, 2008. Therefore, finances are up to date.

After the mailing of this decision, the application file will be returned to the Office of Patent Application Processing for further pre-examination processing.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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JAN 11 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Steve Gray
Application No.	:	11/032,314
Filed	:	January 10, 2005
Title	:	Integrated Carry-On Baggage Cart and Passenger Screening Station
Grp./Div.	:	Unassigned
Examiner	:	Unknown
Docket No.	:	RAP132.ORD

Commissioner for Patents
P.O. Box 1450
Alexandria, V.A. 1450

PatentMetrix
14252 Culver Dr., Box 914
Irvine, CA 92604
January 11, 2008

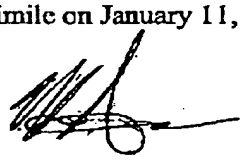
REQUEST TO RECONSIDER
PETITION TO OIPE TO WITHDRAW ABANDONMENT

In response to the Petition Decision dated August 24, 2007, applicant is providing:

1. Remarks supporting Applicant's Request to Reconsider the Dismissal of Applicant's Petition to Withdraw Abandonment on page 2.
2. The PTO-2038 Credit Card Payment Authorization Form originally sent on October 6, 2005 marked "DOCUMENT SUBMITTED AS PART OF A PETITION, NOT INTENDED FOR USE IN COLLECTING FEES" enclosed herewith; and
3. PTO-2038 Credit Card Payment Authorization Form that authorizes a four month extension of time payment of $1,590 enclosed herewith.

I hereby certify that this correspondence is being submitted to the United States Patent Office via facsimile on January 11, 2008

07/15/2008 CVUONG 00000059 11032314
01 FC:1254 1590.00 OP



Signed
HAZIM ANSARI
Printed Name

40,896
Registration Number
949-233-5172
Telephone Number

01/14/2008 CCHAU1 00000114 11032314
01 FC:1254 1590.00 OP

Adjustment date: 07/15/2008 CKHLOK
01/14/2008 CCHAU1 00000114 11032314
01 FC:1254 -1590.00 OP

PAGE 2/5 * RCVD AT 1/11/2008 6:19:16 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/15 * DNIS:2738300 * CSID:714 368 9723 * DURATION (mm-ss):01-42

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United States Patent and Trademark Office
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INTERNATIONAL CORP (BLF)
c/o BIGGERS & OHANIAN, LLP
P.O. BOX 1469
AUSTIN, TX 78767-1469

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OFFICE OF PETITIONS

In re Application of :
William A. Brown et al. :
Application No. 11/032,337 : DECISION ON PETITION
Filed: January 10, 2005 :
Attorney Docket No. AUS920040689US1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 2, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Pre-Interview First Office Action, mailed October 6, 2008, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were permitted. Accordingly, the application became abandoned on 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 remarks, (2) the petition fee of $1620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 2445 for appropriate action by the Examiner in the normal course of business on the reply received.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

PTO/SB/64 (11-08)
Approved for use through 12/31/2008. 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) AUS920040669US1

First named inventor: William A. Brown

Application No.: 11/032,337 Art Unit: 2145

Filed: 01/10/05 Examiner: Goodchild, William J.

Title: Workflow Decision Management Including Identifying User Reaction To Workflows

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

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

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

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

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

☑ Other than small entity – fee $ 1,620.00 (37 CFR 1.17(m))

2. Reply and/or fee
A. The reply and/or fee to the above-noted Office action in the form of PTOL-413A and proposed arguments for interview (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

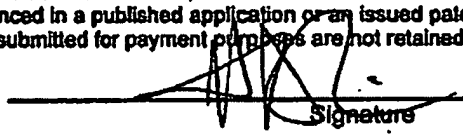
☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ 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 — 12/02/2008 (Date)

H. Artoush Ohanian — Typed or printed name

46,022 — Registration Number, if applicable

P.O. Box 1469 — Address

512-472-9881 — Telephone Number

Austin Texas 78767-1469 — Address

Enclosures:
☐ Fee Payment
☑ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☐ Other: _____

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

I hereby certify that this correspondence is being:

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

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

Date _____ Signature _____

Typed or printed name of person signing certificate _____

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DAVID K. LUCENTE; SEAGATE TECHNOLOGY LLC
INTELLECTUAL PROPERTY DEPT. - COL2LGL
389 DISC DRIVE
LONGMONT, CO 80503

Mail Date: 04/21/2010

Applicant	: Tim Bucher	: DECISION ON REQUEST FOR
Patent Number	: 7624189	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/032,366	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1355** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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MILLS & ONELLO LLP
ELEVEN BEACON STREET
SUITE 605
BOSTON, MA 02108

Mail Date: 04/21/2010

Applicant	: Yo-han Kwon	: DECISION ON REQUEST FOR
Patent Number	: 7620677	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/032,368	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1348** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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FRAMINGHAM MA 01701

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MAY 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Bruce A. Collings, et al.	:	
Application No. 11/032,376	:	DECISION GRANTING PETITION
Filed: January 10, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 5687	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 22, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 30, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2881 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Karen Creasy for

Frances M. Hicks
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Young & Basile, P.C.
3001 West Big Beaver Road
Suite 624
Troy, MI 48084

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In re Application of	:	
Suzanne Napoleon	:	
Application No. 11/032,383	:	DECISION ON PETITION
Filed: January 10, 2005	:	TO WITHDRAW
Attorney Docket No. NSU-100-B	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 13, 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. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed for items (2) and (3) listed above.

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Young & Basile, P.C.
3001 West Big Beaver Road
Suite 624
Troy, MI 48084

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FEB 0 9 2009

OFFICE OF PETITIONS

In re Application of :
Suzanne Napoleon :
Application No. 11/032,383 : DECISION ON PETITION
Filed: January 10, 2005 : TO WITHDRAW
Attorney Docket No. NSU-100-B : 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 January 30, 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 Suzanne Napoleon on behalf of all attorneys/agents associated with customer number 48980. All attorneys/agents associated with customer number 48980 have been withdrawn.

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

The correspondence address has been changed. The address is copied below.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Suzanne Napoleon
4896 Washtenaw, C-7
Ann Arbor, MI 48108

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08 DEC 2005

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Alexandria, VA 22313-1450
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Robert Molan
Nixon & Vanderhye P.C.
901 North Glebe Road, 11th Floor
Arlington, VA 22203

In re Application of
AUSTIN, Donald
Application No.: 11/032,387
Filing Date: January 10, 2005
Attorney Docket No.: 4639-8
For: TAILGATE COUNTERBALANCING HINGE

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on applicant's "Petitions under 37 CFR 1.78(a)(3) to Amend Application to Claim the Benefit of a Prior Filed Non-Provisional U.S. Application," filed 19 September 2005.

The petition is **GRANTED**.

As to the benefit claim under 37 CFR 1.78(a)(3):

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. 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.

A reference to the prior-filed applications has been included in an amendment to the first sentence of the specification following the title, as required by 37 CFR 1.78(a)(2)(iii).

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

Applicant is advised that the granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed applications. In order for the instant application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the inclusion of the prior-filed applications on the enclosed Corrected Filing Receipt should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. 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.

This application is being forwarded to Technology Center Art Unit 3612 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§ 120 and 365(c) to the prior-filed international and nonprovisional application.

Any inquiries concerning this decision should be directed to Attorney-Advisor, Anthony Smith at the telephone number listed below.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

Enclosed: Corrected Filing Receipt

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PO BOX 14329
RESEARCH TRIANGLE PARK NC 27709

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APR 0 8 2005

OFFICE OF PETITIONS

In re Application of
Erin J. Whalen
Application No. 11/032,400
Filed: January 10, 2005
Attorney Docket No. 4255-101

: DECISION GRANTING
: PETITION

This is a decision on the petition, filed March 3, 2005, under 37 CFR 1.181, which is treated 37 CFR 1.53. The petition requests that the above-identified application be accorded a filing date of January 10, 2005.

The application was filed on January 10, 2005 without drawings.[1] Accordingly, on February 23, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" stating that no filing date had been assigned because the application was deposited without drawings, and requiring drawings be filed if necessary. The Notice also indicated that the oath or declaration was missing and that a newly executed oath or declaration be submitted.

In response, the present petition was filed. The petition states that the drawings are not necessary for an understanding of the subject matter sought to be patented Petitioners request that the application, without drawings, be accorded a filing date of January 10, 2005.

It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).[2] Since the application was filed with at least one claim directed to a process or method, the application should have been treated as an application for which a drawing is not necessary and the Office of Initial Patent Examination should have mailed a "Notice Of Omitted Item(s)." See MPEP § 601.01(f).

In view of the above, the Notice mailed February 23, 2005, is hereby withdrawn. The

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

[2] MPEP 601.01(f).

application is accorded a filing date of January 10, 2005, without drawings.

The petition is **GRANTED**. In view thereof, no petition fee is due and petitioner's deposit account no. 08-3284 will be credited in the amount of $400.00.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of January 10, 2005, and for an indication on the bib-data sheet that no sheets of drawings were present on filing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Sue Funk
SECO Manufacturing Company, Inc.
935 Stewart Drive
Sunnyvale, CA 94085

Mail Date: 04/21/2010

Applicant	: Stephen B. Crain	: DECISION ON REQUEST FOR
Patent Number	: 7669813	: RECALCULATION of PATENT
Issue Date	: 03/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/032,410	: OF WYETH
Filed	: 01/10/2005	:
		:

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

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

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

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

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

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

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

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

or

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450
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Technology Center 2100

Hamilton & Terrile, LLP
P.O. Box 203518
Austin, TX 78720

In re Application of: Shah, et al.
Application No. 11/032,422
Attorney Docket No. T00006C3
Filed: January 10, 2005
For: METHOD AND APPARATUS FOR ATTRIBUTE SELECTION

SUA SPONTE
WITHDRAWAL OF HOLDING OF ABANDONMENT *under 37 CFR 1.181*

A review of the application reveals that a Notice of Abandonment was mailed to the Applicant on December 14, 2005. The notice incorrectly indicated that the instant application was being held abandoned for failure to respond to the Non-Final Office action mailed on June 6, 2005. Applicant timely filed an extension of time for three (3) months ($1020.00), an amendment, response and terminal disclaimer bearing a certificate of mailing under 37 CFR § 1.8(a) of December 6, 2005, said amendment, response, terminal disclaimer and extension of time are currently located in the file.

In view of these facts, the abandonment of the application was clearly in error and is hereby **VACATED**. The Office regrets any inconvenience this may have caused.

The application is being forwarded to the Supervisory Legal Instruments Examiner with instructions to **WITHDRAW** the holding of abandonment. The application will then be forwarded to the Examiner of record for prompt action on the merits.

Inquiries to this decision may be directed to Special Programs Examiner Brian Johnson at (571) 272-3595.

Brian L. Johnson
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security

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HAMILTON & TERRILE, LLP
P.O. BOX 203518
AUSTIN, TX 78720

Mail Date: 04/20/2010

Applicant	: Michael K. Padilla	: DECISION ON REQUEST FOR
Patent Number	: 7607002	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/032,431	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **986** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

In re Application of :
HUFNAGL et al. :
Application No. 11/032,435 : DECISION ON PETITION
Filed: 01/10/2005 :
Attorney Docket No. 370086-00019 :

This is a decision on the petition under 37 CFR 1.137(a), filed August 10, 2007, which is being treated as a petition to withdraw the holding of abandonment for the above-identified application.

This application was held abandoned for failure to respond timely to the Notice of Allowance and Issue Fee Due, mailed December 13, 2006, which set a three-month statutory period for reply. In the absence of a timely filed response, the application was held abandoned on March 14, 2007. On April 10, 2007, the Office mailed a Notice of Abandonment.

In the petition, petitioners assert that they did not receive the Notice of Allowance, Notice of Allowability or the Notice of Abandonment because the USPTO erroneously mailed the Notices to an incorrect correspondence address. Accordingly, petitioners request that the Office withdraw the holding of abandonment.

Specifically, petitioners assert that due to a typographical error they inadvertently identified the incorrect Customer No. 08440 instead of the intended Customer No. 08840 in the transmittal of the above-identified application upon filing. Petitioners state that all USPTO correspondence was to the address associated with erroneous Customer No. 08440.

A review of the record indicates that on February 4, 2005, David P. Maivald, an attorney of record, submitted a "CORRECTION OF TYPOGRAPHICAL ERROR IN CUSTOMER NUMBER," in which he noted the typographical error in the Customer Number in the transmittal and requested that the Office correct the Customer Number to 08840. Additionally, on November 13, 2006, petitioners filed a Power of Attorney, signed on behalf of the assignee, giving power of attorney to all attorneys associated with Customer No. 08840, and requesting all correspondence be sent to: Alcoa Technical Center, Building C, 100 Technical Drive, Alcoa Center, Pennsylvania 15069-0001. However, it does

not appear that the assignee provided a statement under 37 CFR 3.73(b) previously or with the power of attorney. Nevertheless, Mr. Maivald promptly notified the Office on February 4, 2005, of the error in the Customer Number, but the Office did not make the correction as requested.

In view of the above, the petition under 37 CFR 1.181 is **GRANTED**. The holding of abandonment is hereby withdrawn and the application is restored to pending status.

No petition fee is necessary. The Office will refund the $500.00 fee to the Deposit Account.

This application is being referred to the Office of Patent Publications for processing as a patent.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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LAW OFFICE OF J.D. PEMBERTON
JOHN D. PEMBERTON
7405 BUCKSKIN COURT
FORT WORTH, TX 76137

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OFFICE OF PETITIONS

In re Application of :
Roxane L. Lauzon :
Application No. 11/032,453 : ON PETITION
Filed: January 10, 2005 :
Attorney Docket No. DENI.00002 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 20, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 1, 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 September 2, 2007.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $525 extension of time submitted with the petition on May 20, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credit to petitioner's credit card.

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

This matter is being referred to Technology Center AU 3765 for further processing.

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

Mail Date: 04/21/2010

Applicant	: Tracy L. Lentz	: DECISION ON REQUEST FOR
Patent Number	: 7632459	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/032,466	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1344** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Baker & McKenzie LLP
Patent Department
2100 Ross Avenue, Suite 2300
Dallas, TX 75201

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JUL 28 2006

OFFICE OF PETITIONS

In re Application of :
David DRAKE et al. :
Application No. 11/032,473 : DECISION ON PETITION
Filed: January 10, 2005 : TO WITHDRAW
Attorney Docket No. 24172113.1 : 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 November 4, 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 William D. McSpadden on behalf of all attorneys of record who are associated with customer No. 35562.

All attorneys/agents associated with the Customer Number 35562 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.

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

David Bucci
Petitions Examiner
Office of Petitions

cc: David A. Drake
The LXT Group
325 Rock Ridge Place
Escondido, CA 92027

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COZEN O'CONNOR PC
1900 MARKET STREET
PHILADELPHIA, PA 19103-3508

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OFFICE OF PETITIONS

In re Application of :
Rebecca E. Cahoon et al :
Application No. 11/032,490 : DECISION ON PETITION
Filed: January 10, 2005 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. BB1286USDIV1 :
(DPNT0002-10)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed June 13, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional Application No. 10/108,915, filed January 10, 2006, as forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

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

All of the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

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

CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3218. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1638 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 nonprovisional application.

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/032,490	01/10/2005	1638	1300	BB1286USDIV1 (DPNT0002-10	4	14	1

CONFIRMATION NO. 4469

CORRECTED FILING RECEIPT

OC000000022661605

35147
COZEN O'CONNOR, P.C.
1900 MARKET STREET
PHILADELPHIA, PA 19103-3508

Date Mailed: 02/27/2007

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)

Rebecca E. Cahoon, Wilmington, DE;
Mark E. Williams, Newark, DE;

Power of Attorney: The patent practitioners associated with Customer Number **35147**.

Domestic Priority data as claimed by applicant

This application is a DIV of 10/108,915 03/28/2002 PAT 6,855,868
which is a DIV of 09/452,238 12/01/1999 PAT 6,410,827
which claims benefit of 60/110,592 12/02/1998

Foreign Applications

If Required, Foreign Filing License Granted: 06/20/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/032,490

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

GERANYLGERANYL PYROPHOSPHATE SYNTHASES

Preliminary Class

800

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof

unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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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CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

Mail Date: 05/06/2010

Applicant	: Predrag Sukovic	: DECISION ON REQUEST FOR
Patent Number	: 7611281	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/032,503	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/10/2005	: 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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JAN 23 2006

OFFICE OF PETITIONS

In re Application of :
Xiao, Xiao :
Application No. 11/032,569 : ON PETITION
Filed: January 10, 2005 :
Attorney Docket No. 4247-101 CON :

This is a decision on the petition under 37 CFR 1.102(d), filed on December 31, 2005, to make the above-identified application special based on applicants who are small entities filing biotechnology applications as set forth in M.P.E.P. § 708.02, Section XII.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(d) and MPEP § 708.02, Section XII: Special Status for Applications Relating to Biotechnology Filed by Applicants Who are Small Entities, must be accompanied by (1) the petition fee under 37 CFR 1.17(h); and (2) state:

> (A) That small entity status has been established or include a statement establishing small entity status;
>
> (B) That the subject of the patent application is a major asset of the small entity; and
>
> (C) That the development of the technology will be significantly impaired if examination of the patent application is delayed, including an explanation of the basis for making the statement.

The instant petition includes a statement from an attorney of record, encompassing (A), (B), and (C) above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Petitions Examiner Liana Chase at 571-272-3206.

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

This matter is being referred to the Technology Center Art Unit 1653 for action on the merits commensurate with this decision.

David Bucci for
Petitions Examiner
Office of Petitions

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KONRAD RAYNES & VICTOR, LLP
315 S. BEVERLY DRIVE # 210
BEVERLY HILLS, CA 90212

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JAN 20 2006

OFFICE OF PETITIONS

In re Application of :
Hongxuan Zhang, et. al. :
Application No. 11/032,586 : ON PETITION
Filed: January 10, 2005 :
Attorney Docket No. 19.07 :

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 **GRANTED**.

The application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application mailed February 28, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Oath/Declaration along with the $65 surcharge and replacement claims; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay.

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

Mail Date: 04/21/2010

Applicant	: Vitali Volovoi	: DECISION ON REQUEST FOR
Patent Number	: 7627459	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/032,611	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **784** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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FREDERICK KAUFMAN
SUITE #403
1937 PENDRELL STREET
VANCOUVER BC V6G 1T4
CANADA

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JUL 10 2006

OFFICE OF PETITIONS

In re Application of :
Lawson, et al. :
Application No. 11/032,614 : ON PETITION
Filed: January 11, 2005 :
Attorney Docket No. N/A :
For: COMBINATION OF A TELESCOPICALLY EXTENDABLE FRAME WITH A LAUNDRY BAG ASSEMBLY

This is a decision on the petition under 37 CFR 1.181, filed May 11, 2006, 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 October 5, 2005 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 January 6, 2006 for failure to reply. A Notice of Abandonment was mailed on April 14, 2006.

Petitioners allege that the October 5, 2005 non-final Office action was not received at the correspondence address of record.

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 October 5, 2005 non-final Office action been received. In addition, practitioner referenced the record in the petition and stated that a review of the application's file jacket for the October 5, 2005 non-final Office action was fruitless.

Petitioners have established non-receipt. The petition is **granted**, the Notice of Abandonment is vacated, and the holding of abandonment is withdrawn.

After the mailing of this decision, the application will be returned to Technology Center AU 3632 for the re-mailing of the October 5, 2005 non-final Office action with a new period set for reply.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

[1] See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

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PEACOCK MYERS, P.C.
201 THIRD STREET, N.W.
SUITE 1340
ALBUQUERQUE NM 87102

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MAR 24 2006

OFFICE OF PETITIONS

In re Application of :
Wityak, George M. :
Application No. 11/032,636 : DECISION ON PETITION
Filed: January 10, 2005 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 41770-0203-CIP :

This is a decision on the petition, filed February 24, 2006, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704. No additional petition fee is required.

Petitioner states that the instant non-provisional application is the subject of an application filed in a foreign country and 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.

However, petitioner has not provided the exact filing date of the foreign application. Before a proper determination on the merits of the petition can be decided, petitioner must supply the filing date of the foreign application.

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

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

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

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

Liana Chase
Petitions Examiner
Office of Petitions

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APR 17 2006

OFFICE OF PETITIONS

In re Application of	:	
Wityak, George M.	:	
Application No. 11/032,636	:	DECISION GRANTING PETITION
Filed: January 10, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 41770-0203-CIP	:	

This is a decision on the renewed petition, filed April 3, 2006, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant non-provisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on September 29, 2005. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of July 27, 2006, accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 1775 for examination in due course.

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

Liana Chase
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PEACOCK MYERS, P.C.
201 THIRD STREET, N.W.
SUITE 1340
ALBUQUERQUE, NM 87102

Mail Date: 04/21/2010

Applicant	: Loretta A. Martinez	: DECISION ON REQUEST FOR
Patent Number	: 7593856	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/032,638	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1202** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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PEACOCK MYERS, P.C.
201 THIRD STREET, N.W.
SUITE 1340
ALBUQUERQUE, NM 87102

Mail Date: 05/18/2010

Applicant : Loretta A. Martinez
Patent Number : 7593856
Issue Date : 09/22/2009
Application No: 11/032,638
Filed : 01/10/2005

: 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 **1290** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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PACESETTER, INC.
15900 VALLEY VIEW COURT
SYLMAR CA 91392-9221

COPY MAILED
AUG 18 2006
OFFICE OF PETITIONS

In re Application of :
KOH :
Application No. 11/032,639 :
Filed: January 11, 2005 :
Attorney Docket No. A05P1002 :

DECISION
ON PETITION

This is a decision on a petition under 37 CFR 1.10(c), filed March 31, 2006, which is being treated under 37 CFR 1.10(c) and (d), requesting the above-identified application be accorded a filing date of January 7, 2005 rather than the presently accorded filing date of January 11, 2005.

The petitions under 37 CFR 1.10(c) and (d) are **DISMISSED**.

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 January 7, 2005, pursuant to the requirements of 37 CFR 1.10. In support, a copy of an incomplete Express Mail label, a copy of the $5.75 postage dated January 7, 2005, and a copy of a Pickup Service Statement with the United States Postal Service (USPS) signature of Saher and a "Date & Time of Pickup" of January 7, 2005 accompany the petition. Further, the petition is accompanied by a statement by Cristene Amador, stating that the above-identified application "was deposited with the United States Postal Service "Express Mail Post Office to Addressee" on January 7, 2005 in accordance with 37 CFR 1.10, and the U.S. Postal Service gave it a date of deposit of January 7, 2005 (see attached copy of Express Mail No. EV100893442US)."

Relevant portions of paragraph (a) of 37 CFR 1.10 states:

> (1) Any correspondence received by the U.S. Patent and Trademark Office (USPTO) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed with the USPTO on the date of deposit with the USPS.

Paragraphs (c) and (d) of 37 CFR 1.10 state:

> (c) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Director to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

(d) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
(3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

Taking all the evidence submitted in total, there is an insufficient showing to establish to the satisfaction of the Director of the USPTO that the requested filing date of January 7, 2005 was the date the above-identified application was deposited in the "Express Mail Post Office to Addressee" service. Granted, Cristene Amador states that the above-identified application was deposited with the USPS "Express Mail Post Office to Addressee" on January 7, 2005, and Petitioner has provided a copy of a "Pickup Service Statement Express Mail, Global Express Guaranteed, Priority Mail, or Parcel Post" (Statement) with a USPS notation of a date and time of pickup of January 7, 2005. The Express Mail Label EV 100893442 US, however, is incomplete and does not assist in determining the date of deposit of the above-identified application as shown by the "date-in" on the "Express Mail" label. The copy of the Statement is also incomplete, in that it fails to identify any Express Mail label. The Statement is not, therefore, associated with Express Mail Label No. EV100893442US. Moreover, the Statement appears to check the payment method of "Stamps or Metered Postage (Affix at right)." No stamp or metered postage is affixed at the right of the Statement, but the copy of postage affixed to the Express Mail envelope is $5.75. The $5.75 postage paid does not appear to be sufficient for Express Mail service. Thus, the copy of the "Express Mail" label or other official notation by the USPS fails to show the date of deposit of the above-identified application with USPS as January 7, 2005.

If Petitioner seeks reconsideration of this decision, petitioner must provide the following information:
(1) the postal rates for Express Mail service between zip codes 91392 and 22313 on January 7, 2005, including rates for envelopes and packages of an equivalent weight to the above-identified application; and
(2) the USPS service provided on January 7, 2005 for an envelope or package between zip codes 91392 and 22313 that has $5.75 of postage.

Additionally, any evidence having both the Express Mail Label No. EV 100893442 US and a USPS signature with a date-in of January 7, 2005 would assist the Office in determining the filing date of the above-identified application. If such information is not available, Petitioner may file a declaration from a disinterested USPS employee, e.g., Saher, certifying that the

correspondence associated with Express Mail Label No. EV 100893442 US was deposited with the United States Postal Service "Express Mail Post Office to Addressee" on January 7, 2005. A copy of St. Jude's log of Express Mail deposits, including Express Mail Label No. EV 100893442 US, in which notations are entered by the person who deposited the correspondence as Express Mail within one business after deposit of the above-identified application with the USPS, may also assist in determining the filing date of the above-identified application.

In summary, there is an insufficient showing to establish to the satisfaction of the Director of the USPTO that the requested filing date of January 7, 2005 was the date the above-identified application was deposited in the "Express Mail Post office to Addressee" service.

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.

This matter is being referred to Group Art Unit 3766 with the present effective filing date of January 11, 2005.

Telephone inquiries concerning this decision should be directed to Denise Pothier at (571) 272-4787.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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COZEN O'CONNOR, P.C.
1900 MARKET STREET
PHILADELPHIA PA 19103-3508

COPY MAILED

OCT 31 2006

OFFICE OF PETITIONS

In re Application of :
Rebecca E. Cahoon et al :
Application No. 11/032,643 : DECISION ON PETITION
Filed: January 10, 2005 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. BB1286USDIV2 :
(DPNT0002-10 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed June 13, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

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

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be

construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

It is noted that the second page of the petition and amendment submitted June 13, 2006, reference Application No. 11/032,490 instead of 11/032,643.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1638 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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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
11/032,643	01/10/2005	1638	1300	BB1286USDIV2 (DPNT0002-10	4	14	1

CONFIRMATION NO. 1405
CORRECTED FILING RECEIPT
OC000000021039706
OC000000021039706

35147
COZEN O'CONNOR, P.C.
1900 MARKET STREET
PHILADELPHIA, PA 19103-3508

Date Mailed: 10/31/2006

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)

Rebecca E. Cahoon, Wilmington, DE;
Mark E. Williams, Newark, DE;

Power of Attorney: The patent practitioners associated with Customer Number **35147**.

Domestic Priority data as claimed by applicant

This application is a DIV of 10/108,915 03/28/2002 PAT 6,855,868
which is a DIV of 09/452,238 12/01/1999 PAT 6,410,827
which claims benefit of 60/110,592 12/02/1998

Foreign Applications

If Required, Foreign Filing License Granted: 02/22/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/032,643

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

GERANYLGERANYL PYROPHOSPHATE SYNTHASES

Preliminary Class

800

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof

unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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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PFIZER CORPORATE PATENT DEPARTMENT
P.O. BOX 1027
CHESTERFIELD, MO 63006

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FEB 0 5 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Ronald Keith Webber et al :
Application No. 11/032,650 :
Filed: January 10, 2005 :
Attorney Docket No. S03300/1C/US :

This is a decision on the petition under 37 CFR 1.137(b), filed September 6, 2006, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the Issue fee and Publication fee in a timely manner in reply to the Notice of Allowance mailed November 25, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on February 26, 2006.

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

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

This matter is being referred to the Publishing Division for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Melanie S. Amaral
P.O. Box 757
Ceres CA 95307

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JUL 17 2009

OFFICE OF PETITIONS

In re Application of

Melanie S. Amaral

Application No. 11/032,669

Filed: September 15, 2005

Attorney Docket No.

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed May 18, 2009.

The petition is **dismissed**.

This application was held abandoned September 28, 2007, after no reply was received to the final Office action mailed June 27, 2007. The notice set forth a shortened statutory period of reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on September 28, 2007. A Notice of Abandonment was mailed January 7, 2008. The instant petition was filed on May 18, 2009. Petitioner maintains that the notice of June 27, 2007, was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has not made the evidentiary showing specified above. Petitioner has not made the required statements as indicated above and has not provided a copy of the master docket for the three month period for reply set forth in the final Office action. If a master docket does not exists, petitioner is required to state this in the renewed petition and provide any other corroborative evidence that petitioner may have to substantiate the claim that the final Office action was not received. If petitioner is a pro se applicant, petitioner may provide a copy of the file petitioner maintains containing the papers received from, and filed with, the USPTO and a copy of any calendar or journal petitioner may keep concerning the communications with the USPTO relative to the application.

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b) (enclosed). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee ($1,620.00 for a large entity and $810.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

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

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

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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AUG 13 2009

OFFICE OF PETITIONS

Melanie S. Amaral
P.O. Box 757
Ceres CA 95307

In re Application of	:
Melanie S. Amaral	:
Application No. 11/032,669	: ON PETITION
Filed: September 15, 2005	:
Attorney Docket No.	:

This is a decision on the petition under 37 CFR 1.137(b) filed July 28, 2009.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition" under 37 CFR 1.137(b)."

This application was held abandoned September 28, 2007, after no reply was received to the final Office action mailed June 27, 2007. The notice set forth a shortened statutory period of reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on September 28, 2007. A Notice of Abandonment was mailed January 7, 2008.

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 requirement of items (1) or (2).

As to item (1), a response to the final Office action did not accompany the petition. The renewed petition must be accompanied by a response to the final Office action, i.e., a amendment that places the application in condition for allowance, a Request for Continued Examination under 37 CFR 1.114, or a Notice of Appeal.

As to item (2), the fee for the instant petition is $810.00 and must accompany the renewed petition.

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

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

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Copy—Final Office action mailed June 27, 2007

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.
11/032,669	09/15/2005	Melanie S. Amaral		7505

7590 06/27/2007

Melanie S. Amaral
P.O. Box 757
Ceres, CA 95307

EXAMINER	
ASTORINO, MICHAEL C	

ART UNIT	PAPER NUMBER
3736	

MAIL DATE	DELIVERY MODE
06/27/2007	PAPER

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

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

Office Action Summary	Application No.	Applicant(s)
	11/032,669	AMARAL, MELANIE S.
	Examiner	Art Unit
	Michael C. Astorino	3736

-- 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 *9/26/2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 2-25 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 2-25 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

The Examiner acknowledges the response filed September 15, 2007.

Specification

The amendment filed September 15, 2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: pages 3-4; specifically the mention of transmitting the results via FAX on page 3 and the brief description of the drawings on page 4. Additional drawings were absent from the response however if provide would also be new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Objections

Claims 2-25 are objected to because of the following informalities:

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. Applicant has seems to have cancelled original claim 1, submitted September 15, 2005. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not). Misnumbered claims 1-24 have been renumbered 2-25.

Claim 2 should only have one period at the end of the claim.

Applicant should use a transitional phrase for independent claim 1, for example the word "comprising."

Claim 21 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Note the format of the claims in the patent(s) cited. See MPEP 2111.03 [R-3]. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 2-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 2 positively recites limitations that overlap statutory classes. In this case, the applicant has positively recited *an apparatus and method steps* in the same claim. See MPEP 2173.05(p) II.

For example, Applicant in claim one states in the preamble that the device is an apparatus (device), however later recites, ". . . an individual will poke their finger for a small sample of blood . . ." which is a methods step. The Applicant is invited to contact the examiner to discuss the claim and to draft appropriate limitations for the claimed invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 3-16, 23, and 25 are rejected under 35 U.S.C. 112, first paragraph, as failing 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.

Claims 3-12, the original specification lacks discloses regarding the calculation of electrolytes levels being high or low.

Claim 13 the specification lacks disclosure regarding PDA or a Fax.

Claim 14 the specification lacks disclosure regarding PDA.

Claim 15 the specification lacks disclosure regarding "wherein the device will have a built in download feature for future software updates when the blood device is connected to a PC via the USB port."

Claim 16 the specification lacks disclosure regarding a download feature for future software updates.

Claim 23 the specification lacks disclosure of a USB port feature that will open and close.

Claim 25 the specification lacks a warning feature. The warning feature is new matter.

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 2-25 are 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.

Claims 2-25 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited. Regarding claims 2-13 and 15-25 Applicant should remove the future tense from the claims; for example, the use of the terms "will be" and "will" should be removed from the claims. Regarding claim 2, it is unclear to the examiner the metes and bounds of "With similar operation of a blood sugar level monitor." Applicant should remove this language from claim 1.

In regards to claim 1, it is unclear to the examiner what the applicant means by "mil equivalent."

The term "high" in claims 2-13 is a relative term which renders the claims indefinite. The term "high" is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

The term "low" in claims 2-13 is a relative term which renders the claims indefinite. The term "high" is not defined by the claims, the specification does not provide a standard for

ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

In regards to claims 13 and 14, the term "MyPersonalLab" is indefinite.

In regards to claim 22, the term "Go feature" is indefinite.

Note to applicant: the claims are so indefinite that it is virtually impossible for the examiner to determine the exactly what the applicant is intending to claim. The following action is therefore of necessity based on the examiner's best guess of what applicant is trying to claim.

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.

Claims 2, 13-20 and 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Mault US Patent Number 6,790,178.

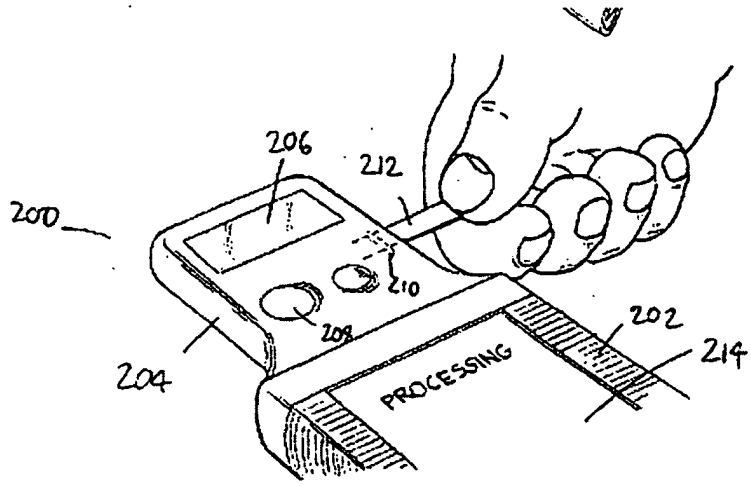

Figure 21

FIG. 21 shows a blood glucose reader module shown generally at 200 that plugs into a PDA 202. The module 200 has a housing 204 that mates with the PDA 202 by engaging an accessory slot (not shown) in the upper end of the PDA. The module housing 204 has a slot 210 configured so as to receive a standard blood glucose test strip 212. Blood glucose levels can be determined using a test strip onto which a drop of blood is placed. After drawing blood and preparing the test strip in a conventional way, the person places the test strip 212 into slot 210 in the module 200. A numerical value for blood glucose level is determined using radiation emission and detection circuitry within the housing 204 of the module 200, for example using colorimetry. This blood glucose number is then transmitted to the PDA. The number can be displayed on the PDA display 214.

Software running on the PDA may be used to display graphs of blood glucose versus time. In combination with diet logging software, the glycemic response of the person to various foods may be determined. Software may be built into the module, and be automatically loaded

onto the PDA and initiated when the module is docked with the PDA. A glycemic model for the person may be developed, and refined with each blood glucose measurement, so as to allow prediction of future levels of blood blood glucose . Glyosylated hemoglobin and related compounds may also be monitored to determine average blood glucose levels, for comparison with values calculated using the model and for model refinement. The test strip reader module may also contain memory to record data, and may possess a numerical display 206 for displaying determined blood glucose levels, and buttons 208 to initiate operation, so that the module can work in a stand alone mode. The display 206 and buttons 208 may be omitted, as functional elements of the PDA (such as display 214 and conventional data entry buttons) may be used to operate and display results obtained from the module.

A finger may also be placed on or in a module docked with the PDA. Fluid, such as blood or interstitial fluid, may then be extracted by any convenient method, such as manual lancing (before placing the finger), automatic lancing, or other mechanical methods, microcapillary insertion, other capillary methods, reverse iontophoresis, osmosis, or other method. The extracted fluid may then be analyzed for blood glucose concentration, for example by monitoring enzymatic reactions, spectroscopy, or fluorescence quenching. Alternatively, radiation sources such as semiconductor lasers may be used in the non-invasive analysis of tissue fluids for the determination of blood blood glucose . A blood glucose monitor may also be implanted into the body, for example as described by Colvin et al. in international application WO 00/13003. An implanted sensor may communicate using wireless methods to a PDA. The implanted sensor may also be powered by radiation (radio, IR, other electromagnetic radiation, or ultrasound) emitted by the PDA or from other sources.

The PDA may be used to provide decision support to the user. An entire diabetes management system can be provided based on the PDA. Blood glucose data, diet log records, and an automated insulin pump may be used. A single module may serve as a glucose module and include all necessary software for diabetes management, diet tracking, and health management, as well as references such as drug references. The PDA may interact with other commercially available diabetes management devices. Further aspects of these embodiments of the present invention may be understood by reference to co-pending provisional patent application Ser. No. 60/219,070.

Regarding claims 13-20, and 22-25 Mault teaches the use of a memory module to transfer data between devices. See column 4, lines 16-67, and column 7, lines 13-26. A memory module is synonymous with a USB port/flash drive.

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 –

Claims 2-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Strasser et al. US Patent Number 6,521,460.

Strasser et al. teaches a invention relating to a method of carrying out blood tests. The invention is based on the finding that clinico-chemical blood parameters can be determined using not only blood serum but also blood plasma. Therefore, freshly taken blood samples, which are mixed with at least one thrombin inhibitor, can be used for determining both clinico-chemical parameters and hematological parameters. The clinico-chemical parameters can thus be

determined using blood plasma, a separation of coagulable components being not required any more.

The method can be used with measuring devices which carry out determining operations by means of test strips. And further teaches, the following measurement parameters were determined in an automated manner: GOT, GPT, alkaline phosphatase, gamma-GT, sodium, potassium, creatinine, urea, creatine kinase, bilirubin, lactate dehydrogenase, alpha-HBDH, amylase, lipase, glucose, total cholesterol, triglycerides, chloride, magnesium, phosphate, calcium, iron, total protein, protein electrophoresis, antistreptolysin titer, C-reactive protein, beta-HCG (see Table 2). *See also claim 1.*

Response to Arguments

Applicant's arguments with respect to claims 2-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Astorino whose telephone number is 571-272-4723. The examiner can normally be reached on Monday-Friday, 8:30AM to 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

MA
June 25, 2007

MAX F. HINDENBURG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STEVEN N. FOX, ESQ.
P.O. BOX 251
CANTON MA 02021

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DEC 23 2005

OFFICE OF PETITIONS

In re Application of :
Allan R. Ferraro :
Application No. 11/032,678 : ON PETITION
Filed: January 10, 2005 :
Attorney Docket No. AL-P-140 :

This is a decision on the petition filed September 16, 2005 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The instant application became abandoned on April 29, 2005, for failure to timely reply to the Notice to File Missing Parts, mailed February 28, 2005, which set a two (2) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. The instant petition and this decision precede the mailing of the Notice of Abandon ment.

The filing of the response to the Notice to File Missing Parts mailed February 28, 2005 is acknowledged. All other requirements 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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GREENLEE WINNER AND SULLIVAN P C
4875 PEARL EAST CIRCLE
SUITE 200
BOULDER CO 80301

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OCT 19 2005

OFFICE OF PETITIONS

In re Application of	:	
Harry Richard Cove	:	DECISION ACCORDING STATUS
Application No. 11/032,679	:	UNDER 37 CFR 1.47(b)
Filed: 10 January, 2005	:	
Atty Docket No. 3-04	:	

This is in response to the petition filed on 28 September, 2005, under 37 CFR 1.47(b).

The petition is **GRANTED**.

Petitioner has shown that the sole inventor has refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, petitioner has shown, via the declaration of Mary Jane McKay-Carey, that a copy of the application was sent to the non-signing inventor's counsel. The non-signing inventor, however, has failed to sign and return the declaration. In addition, petitioner has shown, via a copy of the Confidential Information and Employee Inventions Agreement and the assignment signed by the non-signing inventor, that petitioner Master Flo Valve Inc., has a proprietary interest in the above-identified application. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63, signed by Mark McNeill, President of Master Flo Valve, Inc., and has demonstrated that such action is necessary to preserve the rights of the parties.

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 listed in the Declaration. 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 related to this decision should be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Oct-05

Harry Richard Cove
62 Marlboro Road
Edmonton AB T6J 2C6
CANADA

COPY MAILED

OCT 19 2005

OFFICE OF PETITIONS

In re Application of
Harry Richard Cove
Application No. 11/032,679
Filed: 10 January, 2005
For: HYDRAULIC STEPPING ACTUATOR WITH FAST CLOSE CAPABILITIES

Dear Mr. Cove:

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 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 at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

GREENLEE WINNER AND SULLIVAN P.C.
4875 PEARL EAST CIRCLE
SUITE 200
BOULDER CO 80301

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

Maginot, Moore & Beck
Bank One Tower
Suite 3000
111 Monument Circle
Indianapolis IN 46204

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SEP 26 2005

OFFICE OF PETITIONS

In re Application of :
Forstner et al. :
Application No. 11/032,693 : ON PETITION
Deposited: January 10, 2005 :
Attorney Docket No.: 1890-0185 :
Title: Circuit for Providing a Base:
Operating Voltage for a Bipolar :
Transistor and Amplifier Circuit :

This is a decision on the petition to accord a filing date submitted May 19, 2005 (certificate of mailing May 17, 2005) requesting that the above-identified application be accorded a filing date of January 10, 2005.

Application papers in the above-identified application were deposited on January 10, 2005. However, on March 17, 2005 the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application", notifying applicant that the application papers had not been accorded a filing date because the application was deposited without drawings.[1]

In response, 3 sheets of drawings, including figure 1-4 and the present petition were filed on May 19, 2005. The petition contends that the application as filed contained 3 sheets of drawings and was described in the original filed specification. In support, the petition is accompanied by a copy of applicants' postcard receipt which acknowledges receipt in the office of "2 sets of Formal Drawings with 3 sheets each" on January 10, 2005.

[1] See 35 U.S.C. 111(a)(4)

Applicants' postcard receipt is prima facie[2] evidence that the drawing were received on January 10, 2005. A review of the official file shows the 3 sheets of drawings containing figures 1-4 have been located.

The petition is Granted. The $400.00 petition fee will be refunded.

The application will then be returned to the Office of Initial Patent Examination for further processing with a **filing date of January 10, 2005**, using the 3 sheets of drawings supplied on January 10, 2005.

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

Charlema R. Grant
Petition Attorney
Office of Petitions

[2]A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the office of all items listed thereon. See MPEP 503.

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RICHARD M. KLEIN
FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP
SEVENTH FLOOR
1100 SUPERIOR AVENUE
CLEVELAND, OH 44114-2579

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OCT 1 8 2005

OFFICE OF PETITIONS

In re Application of Ong et al. :
Application No. 11/032,710 : Decision on Petition
Filing Date: January 10, 2005 :
Attorney Docket No. A1658-US-CON :

This is a decision on the petition filed July 15, 2005, to accord the above-identified application a filing date of January 10, 2005.

The application was filed on January 10, 2005.

On May 17, 2005, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded and the filing date would be the date of receipt of the drawings.

In response, the present petition alleges that drawings are not "necessary for the understanding of the subject matter sought to be patented" within the meaning of 35 USC 113.

MPEP 601.01(f) states that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). The same practice has been followed in composition applications.

This application has at least one claim directed to a chemical composition. 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). In other words, the Office should have mailed a "Notice of Omitted Item(s)" indicating drawings were missing but a filing date had been accorded, rather than a "Notice of Incomplete Application."

The "Notice" mailed May 17, 2005, was mailed in error and is hereby withdrawn.

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

During examination, if the examiner determines drawings are necessary under 35 USC 113, he may reconsider the filing date issue and have the Office of Initial Patent Examination (OIPE) mail a Notice of Incomplete Application. See MPEP 601.01(f).

Page 5 of the specification:

Petitioner should note that page 5 of the specification appears to be blank. The only items on the page are "(5)" at the top of the page and "-7-" at the bottom of the page.

Incorporation by reference:

The Office notes that the transmittal sheet incorporates by reference the content of application no. 10/042,360. Petitioner may be able to amend the instant application to add the drawings and the content of page 5 of the specification based on the incorporation by reference.

Docket number:

Per MPEP 503, "Attorney docket numbers must be limited to a maximum of 12 characters to prevent truncation." Petitioner may use longer docket numbers. However, if longer docket numbers are used, petitioner should be aware of the risk of truncation.

Correction of the Filing date:

The Office of Initial Patent Examination will further process the application with a filing date of January 10, 2005, using the application papers filed on January 10, 2005.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY, UT 84102

COPY MAILED

OCT 15 2008

OFFICE OF PETITIONS

In re Application of :
Mark Miskin et al. :
Application No. 11/032,736 : DECISION ON PETITION
Filed: January 10, 2005 :
Attorney Docket No. 3460.MISK.PT :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 9, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before June 26, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed March 26, 2008. Accordingly, the date of abandonment of this application is June 27, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $720.00 and the publication fee of $300.00, (2) the petition fee of $770.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Application No: 11/032,730 Date: 10/11/08

CHECKLIST - PETITION TO REVIVE (UNINTENTIONAL) 37 CFR 1.137(b)

Petition under 37 CFR 1.137(b) requires:

1. Petition fee;
2. Reply and/or issue fee;
3. Terminal disclaimer with disclaimer fee - utility and plant filed before 6/8/95 and all design cases;
4. Statement that the entire delay was unintentional.

Petition Date: _____

Petition Fee: (✓) $770/SM ( ) $1540/LG ( ) Not Paid

Is statement of unintentional delay present? (✓)YES ( )NO (Can statement be construed as unintentional?)

Is petition signed by attorney of record? (✓)YES ( )NO Petition address the same as address in palm. (✓)YES ( )NO

Mail Date of Office Action: 3/26/08

Type of Office Action: Notice of Allowance

Statutory Response Period Set: ( ) 30 days ( ) 1 month ( ) 2 months (✓) 3 months

Ext of time obtained w/in SSP: ( )None ( )1 month (✓)2 months ( )3 months ( )4 months

Abandonment Date: 6/27/08

Type of reply received: 185/Pub Fee

Terminal Disclaimer required: ( )YES (✓)NO (utility applications filed after 6/8/95 or before 5/29/00 and all design applications)

Petition Decision Codes

502 - 37 CFR 1.137(b) Revival based on unintentional delay in abandon application
510 - 37 CFR 1.137(b) Revival to accept late payment of issue fee (unintentional)

Fee Codes

1453/2453 *$1540/$770* *502/510 Petitions*

Paralegal: JoAnne Burks

( )Dismissed (✓)Granted

MAG:01/07

Attorney/Agent Information for 11/032736

Customer # 26986

Attorney/Agent Name	Attorney/Agent Registration Number	Attorney/Agent Telephone Number
MORRISS, JULIE	33263 (Attorney)	(801)478-0071
O'BRYANT, DAVID	39793 (Attorney)	(801)478-0071
COMPAGNI, FRANK	40567 (Attorney)	(801)478-0071
CROCKETT, BRETTON	44632 (Attorney)	(801)478-0071
OESTREICH, PAUL	44983 (Attorney)	(801)478-0071
DORLAND, GREGORY	51622 (Attorney)	(901)399-2243

Appln Info | Contents | Petition Info | Atty/Agent Info | Continuity/Reexam | Foreign Data

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Correspondence Address for 11/032736

Customer Number	Contact Information	Address
26986 Delivery Mode: Paper	Telephone: (801)478-0071 Fax: (801)478-0076 E-Mail: No E-Mail Address	MORRISS OBRYANT COMPAGNI, P.C. 734 EAST 200 SOUTH SALT LAKE CITY UT 84102

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RAM Fee History Query

Revenue Accounting and Management

Name/Number: 11032736 Total Records Found: 16

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
07/09/2008	00000209	1	2453	$770.00	07/09/2008	CK
07/09/2008	00000210	1	2501	$720.00	07/09/2008	CK
07/09/2008	00000211	1	1504	$300.00	07/09/2008	CK
11/19/2007	00000001	1	2251	$60.00	11/16/2007	CK
05/16/2007	00000097	1	2801	$395.00	05/14/2007	CK
05/16/2007	00000098	1	2253	$510.00	05/14/2007	CK
02/24/2005	00000017	1	1011	-$300.00	01/10/2005	DA 201469
02/24/2005	00000018	1	1111	-$500.00	01/10/2005	DA 201469
02/24/2005	00000020	1	2011	$150.00	01/18/2005	DA 201469
02/24/2005	00000021	1	2111	$250.00	01/18/2005	DA 201469
02/24/2005	00000019	1	1311	-$200.00	01/10/2005	DA 201469
02/24/2005	00000022	1	2311	$100.00	01/18/2005	DA 201469
02/16/2005	00000341	1	8021	$40.00	02/14/2005	CK
01/18/2005	00000211	1	1011	$300.00	01/10/2005	DA 201469
01/18/2005	00000212	1	1111	$500.00	01/10/2005	DA 201469
01/18/2005	00000213	1	1311	$200.00	01/10/2005	DA 201469

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JUL 09 2008
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PTO/SB/64 (01-08)
Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) 3460.MISK.PT

First named inventor: Mark Miskin

Application No.: 11/032,736 Art Unit: 3683

Filed: 01/10/2005 Examiner: Williams, Thomas J.

Title: GRAVITY PRESSURIZED BRAKING SYSTEM

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

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

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

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

1.Petition fee

☑ Small entity-fee $ 770 (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.

07/09/2008 HNGUYEN2 00000109 11032736
01 FC:2453 770.00 DP

B. The issue fee and publication fee (if applicable) of $ 1020
☐ has been paid previously on _____.
☑ is enclosed herewith.

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

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

3. Terminal disclaimer with disclaimer fee

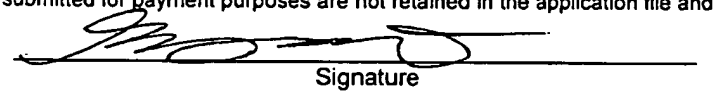
☑ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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

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

WARNING:

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



Signature

7/7/08
Date

Brethon C. Crockett
Typed or printed name

44,632
Registration Number, if applicable

734 East 200 South
Address

801-478-0071
Telephone Number

Salt Lake City, UT 84102
Address

Enclosures: ☑ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☑ Other: Form PTOL-85 PART B - FEE(S) TRANSMITTAL and Issue Fee

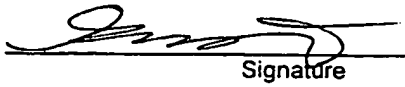
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

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.

07/07/2008
Date



Signature

Typed or printed name of person signing certificate

11/032736 Examiner: WILLIAMS, THOMAS GAU: 3683
Inventor: MISKIN , MARK, et al Classification: 188/005.000
Status: 164 - ABANDONED -- FAILURE TO PAY ISSUE FEE
Title: GRAVITY PRESSURIZED BRAKING SYSTEM
Start Date: End Date:

bib_fee report (16 items, not sorted)

Acct Date	Seq. Num.	Tran Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
07/09/2008	209	1	2453	$770.00	07/09/2008	CK
07/09/2008	210	1	2501	$720.00	07/09/2008	CK
07/09/2008	211	1	1504	$300.00	07/09/2008	CK
11/19/2007	1	1	2251	$60.00	11/16/2007	CK
05/16/2007	97	1	2801	$395.00	05/14/2007	CK
05/16/2007	98	1	2253	$510.00	05/14/2007	CK
02/24/2005	17	1	1011	($300.00)	01/10/2005	DA 201469
02/24/2005	18	1	1111	($500.00)	01/10/2005	DA 201469
02/24/2005	20	1	2011	$150.00	01/18/2005	DA 201469
02/24/2005	21	1	2111	$250.00	01/18/2005	DA 201469
02/24/2005	19	1	1311	($200.00)	01/10/2005	DA 201469
02/24/2005	22	1	2311	$100.00	01/18/2005	DA 201469
02/16/2005	341	1	8021	$40.00	02/14/2005	CK
01/18/2005	211	1	1011	$300.00	01/10/2005	DA 201469
01/18/2005	212	1	1111	$500.00	01/10/2005	DA 201469
01/18/2005	213	1	1311	$200.00	01/10/2005	DA 201469

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Yui-Yi Tsai	: DECISION ON REQUEST FOR
Patent Number	: 7598388	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/032,739	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1260** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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DUANE MORRIS LLP - Princeton
PO BOX 5203
PRINCETON, NJ 08543-5203

Mail Date: 04/21/2010

Applicant	: Paul D. Albertelli JR.	: DECISION ON REQUEST FOR
Patent Number	: 7587404	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/032,741	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1185** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

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MAR 12 2008

OFFICE OF PETITIONS

In re Application of	:	
John R. Klug et al	:	
Application No. 11/032,750	:	DECISION GRANTING PETITION
Filed: January 10, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1274/US/5	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 7, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 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 should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3694 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy
Petitions Examiner
Office of Petitions

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

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INTELLECTUAL PROPERTY DEPARTMENT
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OFFICE OF PETITIONS

In re Application of :
John R. Klug et al :
Application No. 11/032,754 : DECISION GRANTING PETITION
Filed: January 10, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1274/US/6 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 7, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 5, 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 3694 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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DENVER, CO 80202-5647

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OFFICE OF PETITIONS

In re Application of :
John R. **KLUG, et al.** :
Application No. 11/032,754 : DECISION GRANTING PETITION
Filed: January 10, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **1274/US/6** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 15, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 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 should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 3694 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner
Office of Petitions

---

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

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ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP
806 SW BROADWAY
SUITE 600
PORTLAND, OR 97205-3335

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FEB 20 2007

OFFICE OF PETITIONS

In re Application of :
John A. Moore :
Application No. 11/032,755 : ON PETITION
Filed: January 10, 2005 :
Attorney Docket No. AUO 302C :

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

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the Issue fee and Publication fee in a timely manner in reply to the Notice of Allowance mailed May 30, 2006, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on August 31, 2006.

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

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

This matter is being referred to the Publishing Division for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Jackson & Co., LLP
6114 4 La Salle Avenue
Suite 507
Oakland, CA 94611-2802

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SEP 1 2 2006

OFFICE OF PETITIONS

In re Application of :
Daniel Martin O'Keefe et al. :
Application No. 11/032,762 : DECISION ON PETITION
Filed: January 11, 2005 : TO WITHDRAW
Attorney Docket No. 3994.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 May 19, 2006.

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

A review of the file record indicates that the power of attorney to Seong-Kung Oh and the attorneys and/or agents of the firm Jackson & Co have been revoked by the assignee of the patent application on June 16, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

David Bucci
Petitions Examiner
Office of Petitions

cc: **3Com Corporation**
350 Campus Drive
Marlborough, MA 01752

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12390 EL CAMINO REAL
SAN DIEGO, CA 92130-2081

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OCT 0 5 2005

OFFICE OF PETITIONS

In re Application of	:	
Ault-Riche et al	:	DECISION GRANTING
Application No. 11/032,773	:	PETITION
Filed: January 10, 2005	:	
Attorney Docket No. 17102-013001/1762	:	

This is a decision on the petition under 37 CFR 1.10(c), filed May 12, 2005, requesting that the above-identified application be accorded a filing date of January 10, 2005, rather than the presently accorded filing date of January 11, 2005.

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 January 10, 2005, pursuant to the requirements of 37 CFR 1.10. In support, applicant provided, inter alia, a copy of the Express Mail label, receipt no. EV471529070US, showing a Date-In of January 10, 2005, which also includes a USPS date stamp receipt of January 10, 2005. The same Express Mail Number found on the original Utility Application Transmittal is located in the official file.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label; MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on January 10, 2005. Accordingly, the instant application is entitled to a filing date of January 10, 2005, and has been so accorded.

The petition is granted. No petition fee is required and none has been changed.

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

Telephone inquires specific to this matter should be directed to Wan Laymon at (571) 272-3220.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

VOLPE AND KOENIG PC
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UNITED PLAZA SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

In re Application of :
Olesen, et al. :
Application No. 11/032,780 : ON PETITION
Filed: January 11, 2005 :
Attorney Docket No. I-2-0870.1US :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed October 16, 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 September 8, 2008. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on December 9, 2008. The Office mailed a Notice of Abandonment on April 24, 2009.

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.

The application is being forwarded to Group Art Unit 2439 for consideration of the Amendment, filed October 16, 2009.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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NIXON PEABODY LLP
300 S. Riverside Plaza
16th Floor
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Carsten Fallesen	: DECISION ON REQUEST FOR
Patent Number	: 7634096	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/032,806	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1346** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

CALFEE HALTERN & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND, OH 44114

SEP 07 2005

In re Application of:
BRUCE PAZULA
Serial No.: 11/032,807
Filed: 10 January 2005
Docket: 24259/04523
Title: METHODS FOR CONVERTING INCANDESCENT LIGHTING PRODUCTS TO FLUORESCENT LIGHTING PRODUCTS

DECISION ON PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(c) [ENERGY]

This is a decision on the petition filed on January 10, 2005, to make the above-identified application special under the accelerated examination procedure set forth in MPEP § 708.02(VI) in accordance with 37 C.F.R. § 1.102(c).

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

In support of the petition, the petition provides a statement explaining how the invention materially contributes to reduction of energy consumption.

For accelerated examination under MPEP § 708.02(VI) in accordance with 37 C.F.R. § 1.102(c), a petition must include a statement explaining how the invention materially contributes to the conservation, discovery, or development of energy resources.

The requirements of MPEP § 708.02(VI) 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.

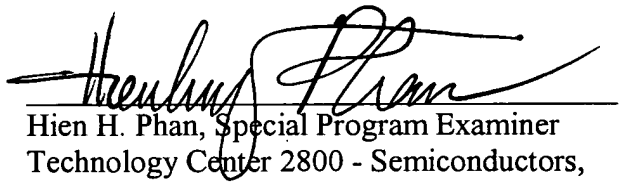
The application file is being forwarded to the examiner for expedited prosecution.

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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TROP PRUNER & HU PC
8554 KATY FREEWAY
SUITE 100
HOUSTON TX 77024

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JUN 07 2005

OFFICE OF PETITIONS

In re Application of :
Matthies, et al. :
Application No. 11/032,828 : DECISION ON PETITION
Filed: January 11, 2005 :
Attorney Docket No. ITL.0572D1US :

This is a decision on the "RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION AND PETITION TO ACCEPT OMITTED ITEMS - FIGURES 4, 5, AND 6", filed March 4, 2005, requesting that the above-identified application be accorded a filing date of January 11, 2005, with Figures 4, 5, and 6 of the drawings as part of the original disclosure.

The petition is **DISMISSED**.

The application was filed on January 11, 2005. However, on February 28, 2005, the Office mailed a "Notice of Omitted Item(s) in a Nonprovisional Application", stating that the application had been accorded a filing date of January 11, 2005; however, Figures 4, 5, and 6 of the drawings as described in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioner does not argue that Figures 4, 5, and 6 were included with the application papers as filed. However, petitioner states that the drawings were filed with parent application No. 09/904,268 which was incorporated by reference.

Figures not present on the filing date cannot be considered a part of the original disclosure of the application. As Figures 4, 5, and 6 were not present in the Office on January 11, 2005, the application can not be accorded the January 11, 2005 filing date with the drawings of Figures 4, 5, and 6 as a part of the original disclosure.

Accordingly, the Notice mailed on February 28, 2005 was correct in stating that Figures 4, 5, and 6 of the drawings appeared to have been omitted. Therefore, the requirement for the omitted figures of drawings was proper and will not be withdrawn.

However, a review of the application file reveals that application transmittal letter included an incorporation by reference statement.

MPEP § 201.06(c) states that:

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

Obviously, in view of the incorporation by reference statement to prior filed application, the drawings of Figures 4, 5, and 6 are not new matter if they were a part of the disclosure of that application.

A petition fee is required because the petition was not necessitated by any error on the part of the United States Patent and Trademark Office. On petition, petitioner submitted payment for the petition fee in the amount of $130. However, effective December 8, 2004, the fee for a filing date petition was increased to $400. See 37 CFR 1.17(f). The $270 balance due has been charged to Deposit Account No. 20-1504, as authorized.

The application is being returned to the Office of Initial Patent Examination for further processing, using the application papers filed January 11, 2005, and for indication in Office records that two (2) sheets of drawings were present on filing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

DATE AUG 2 1 2007

APPLICATION NUMBER 11032835

DOC CODE PETDEC

DOC DATE 8/22/07

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

CONTRACTOR: THE ATTACHED FILE/DOCUMENT MUST BE INDEXED AND SCANNED INTO IFW WITHIN **8** WORK HOURS; UPLOADING OF THE SCANNED IMAGES SHOULD OCCUR NO LATER THAN **16** WORK HOURS FOLLOWING RECEIPT OF THIS REQUEST

AFTER SCANNING, ORIGINAL DOCUMENTS SHOULD BE BOXED IN ACCORDANCE WITH INSTRUCTIONS

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AUG 2 2 2007

OFFICE OF PETITIONS

In re Application of :

GLEASON, David Martin :
Application No. 11/032,835 : DECISION ON PETITION
Filed: January 10, 2005 : TO WITHDRAW
Attorney Docket No. **4743-4001** : FROM RECORD
:

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 13, 2007.

The request is **NOT APPROVED.**

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request "potential for a conflict of interest" 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 the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **DAVID M. GLEASON**
BLUEBERRY FUN, INC. D/B/A BLUEBERY ONLINE
796 EAST PACIFIC DRIVE, SUITE B
AMERICA FORK, UT 84003

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04/20/09

TO SPE OF : ART UNIT 2816

SUBJECT : Request for Certificate of Correction for Appl. No.: 11032836 Patent No.: 7463074 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.

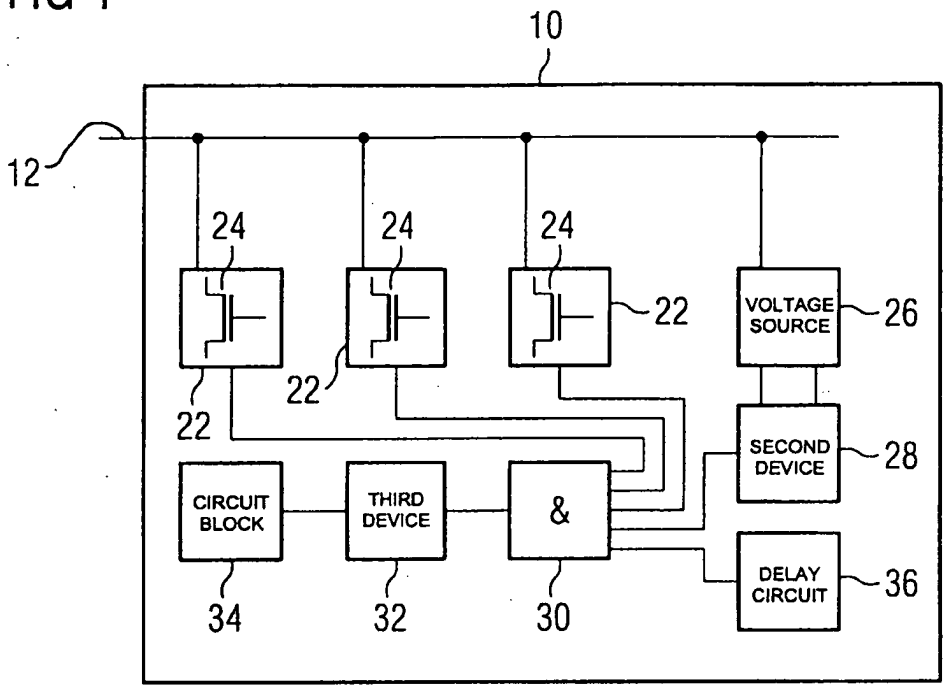
X Approved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: Changes are approved. The scope of the claims has not been changed.

/Lincoln Donovan/

SPE AU 2816.

FIG 1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VOLTAGE SOURCE
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SECOND DEVICE
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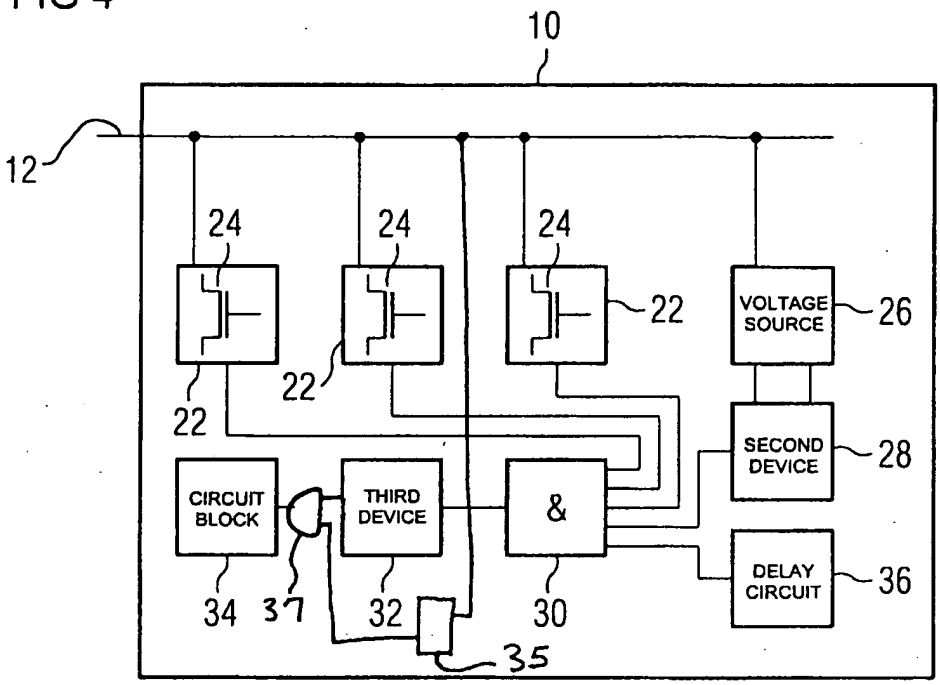
FIG 4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VOLTAGE SOURCE
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&
DELAY CIRCUIT
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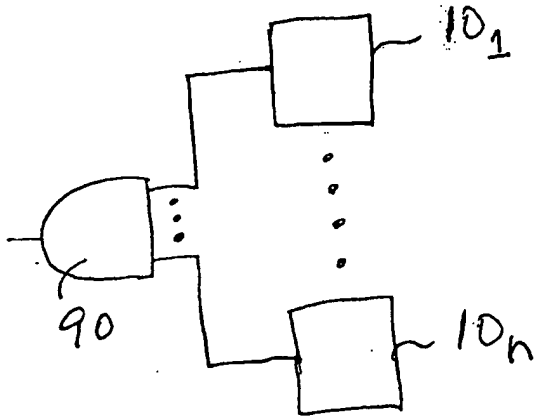
FIG. 3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MINNEAPOLIS MN 55402

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MAY 17 2007

OFFICE OF PETITIONS

In re Application of	:	
Jacobson et al.	:	
Application No. 11/032,838	:	ON PETITION
Filed: January 10, 2005	:	
Attorney Docket No. 33144.29	:	

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

The petition is **GRANTED.**

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

This matter is being referred to Technology Center 3700 for processing of the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

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

Liana Walsh
Petitions Examiner
Office of Petitions

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PATTERSON & SHERIDAN, LLP
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON, TX 77056

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OFFICE OF PETITIONS

In re Application of :
Trung Tri Doan et al :
Application No. 11/032,855 : ON PETITION
Filed: January 11, 2005 :
Attorney Docket No. SemiLED-005 (SEMI/0105) :

This is a decision on the petition under 37 CFR 1.137(b), filed May 1, 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 July 11, 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 October 12, 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 2813 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

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JUN 27 2005

OFFICE OF PETITIONS

In re Application of :
Bragg et al. :
Application No. 11/032,886 :
Filed: January 10, 2005 : ON PETITION
Attorney Docket No. 36619US1 :

This is a decision on the Petition Requesting Acknowledgment of Receipt of Complete Application, filed May 21, 2005, requesting the above-identified application be accorded a filing date of January 10, 2005, including pages 14 and 17 of the specification.

The above-identified application was filed on January 10, 2005. On February 22, 2005, this Office mailed a Notice of Omitted Item(s) in a Provisional Application, informing Applicant that a filing date had been accorded the application; however, pages 14 and 17 of the specification appeared to have been omitted from the application.

Applicant responds with the instant petition wherein Applicant avers that pages 14 and 17 of the specification were originally filed with the application on January 10, 2005, and were received by this Office as evidenced by the return-receipt postcard. In support of this assertion, Applicant provides a copy of a return-receipt postcard acknowledging receipt of, *inter alia*, 17 pages of specification in the above-identified application by this Office on January 10, 2005.

A review of the return-receipt postcard reveals that Applicant is correct. The postcard acknowledges receipt of, *inter alia*, 17 pages of specification, claims and abstract in the above-identified application by this Office on January 10, 2005.

"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.

Accordingly, the petition is granted.

The copy of pages 14 and 17 of the specification, filed with the instant petition on May 21, 2005, will be used for examination purposes.

A refund of the petition fee has been credited to deposit account 16-0820, as authorized in the instant petition.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of January 10, 2005, and an indication that 17 pages of specification, including pages 14 and 17, were present on filing, using pages 14 and 17 of the specification filed with the instant petition on May 21, 2005.

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

Derek L. Woods
Petitions Attorney
Office of Petitions

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Peter Djurovich	: DECISION ON REQUEST FOR
Patent Number	: 7601436	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/032,887	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1251** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

HUFFMAN LAW GROUP, P.C.
1832 N. CASCADE AVE.
COLORADO SPRINGS, CO 80907-7449

In re Application of

Goldman, et al.

Application No. 11/032,894

Filed: January 11, 2005

Attorney Docket No: NRSC.0200

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.1.0(c) filed January 17, 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. The reconsideration request should include a cover letter entitled "Renewed Petition" under 37 CFR 1.10."

The instant petition was filed to correct what petitioner believed was an incorrect filing date accorded the above-cited application. Petitioner maintains that the correct filing date for the application should be January 10, 2005, not the currently accorded date of January 11, 2005.

Section 1.10(a) of the Title 37 of the Code of Federal Regulations indicates that correspondence received by the Patent and Trademark Office that was delivered by Express Mail will be considered filed in the Office on the date of deposit with the United States Postal Service (USPS). Where there is a discrepancy between the date of deposit as shown on the Express Mail label and the filing date accorded the correspondence by the Office, 37 CFR 1.10(c) provides that an applicant may petition to have the Commissioner accord the correspondence a filing date as of the "date in" on Express Mail label or other official USPS notation. In accordance with 37 CFR 1.10(c), a successful petition must:

> (1) . . . be filed promptly after the person becomes aware that the Office has accorded or will accord a filing date other than the USPS deposit date;

2) [provide] the number on the Express Mail mailing label was placed on a paper(s) or fee(s) that constituted the correspondence prior to the original mailing by Express Mail; and

(3) . . . include a true copy of the Express Mail mailing label showing the date-in and of any other official notation by the USPS relied upon to show the date of deposit.

The instant petition does not satisfy item (3) above. A review of the petition document did not reveal a true copy of either the Express Mail label showing the date-in or any other official USPS notation that would support the allegation that the application was deposited on January 10, 2005. While the tracking sheet produced by Endicia Internet Postage is noted, it will not be accepted as an official USPS notation so as the establish that the subject package was deposited with the Express Mail service on January 10, 2005. Any renewed petition filed must be accompanied by a true copy of the Express Mail label or a copy of an official USPS notation, i.e., a copy of the Track and Confirm sheet from the United States Postal Service website indicating that the subject package was deposited on January 10, 2005.

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

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

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HUFFMAN LAW GROUP, P.C.
1900 MESA AVE.
COLORADO SPRINGS CO 80906

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DEC 2 4 2008

In re Application of :
Daniel M. Goldman, et al. :
Application No. 11/032,894 : DECISION ON PETITION
Filed: January 11, 2005 :
Attorney Docket No. NRSC.0200 :

This is a decision on the petition under 37 CFR 1.182, filed, September 8, 2008, to change the order of the named inventors in the above-identified application.

The petition is **DISMISSED**.

A review of the record shows that the order of the inventors listed in the petition does not match the order of the inventors listed in the Application Data Sheet.

In view of the above, the petition under § 1.182 to amend the order of inventors cannot be granted.

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

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 April Wise at (571) 272-1642.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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1900 MESA AVE.
COLORADO SPRINGS CO 80906

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FEB 19 2009

OFFICE OF PETITIONS

In re Application of :
Daniel M. Goldman, et al. :
Application No. 11/032,894 : DECISION ON PETITION
Filed: January 11, 2005 :
Attorney Docket No. NRSC.0200 :

This is a decision on the renewed petition under 37 CFR 1.182, filed January 14, 2009, to change the order of the names of the inventors.

The petition is **GRANTED**.

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

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

This application is being referred to Technology Center AU 3715 for examination in due course.

Telephone inquiries regarding this decision should be directed to the April M. Wise at (571) 272-1642. All other inquiries concerning the examination procedures of this application should be directed to the Technology Center.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/032,894	01/11/2005	3715	1029	NRSC.0200	22	2

CONFIRMATION NO. 2406

CORRECTED FILING RECEIPT

23669
HUFFMAN LAW GROUP, P.C.
1900 MESA AVE.
COLORADO SPRINGS, CO 80906

Date Mailed: 02/18/2009

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 M. Merzenich, San Francisco, CA;
Joseph L. Hardy, El Cerrito, CA;
Henry W. Mahncke, San Francisco, CA;
Daniel M. Goldman, San Francisco, CA;
Jeffrey S. Zimman, San Francisco, CA;

Assignment For Published Patent Application

Neuroscience Solutions Corporation, San Francisco, CA

Power of Attorney:

James Huffman--35549
E. Davis--39954
Richard Huffman--41082

Domestic Priority data as claimed by applicant

This application is a CIP of 10/894,388 07/19/2004 ABN
which claims benefit of 60/536,129 01/13/2004
and claims benefit of 60/536,112 01/13/2004
and claims benefit of 60/536,093 01/13/2004
and claims benefit of 60/549,390 03/02/2004
and claims benefit of 60/558,771 04/01/2004
and claims benefit of 60/565,923 04/28/2004
and claims benefit of 60/575,979 06/01/2004
This application 11/032,894
claims benefit of 60/536,129 01/13/2004
and claims benefit of 60/536,112 01/13/2004
and claims benefit of 60/536,093 01/13/2004

and claims benefit of 60/549,390 03/02/2004
and claims benefit of 60/558,771 04/01/2004
and claims benefit of 60/565,923 04/28/2004
and claims benefit of 60/575,979 06/01/2004
and claims benefit of 60/588,829 07/16/2004
and claims benefit of 60/598,877 08/04/2004
and claims benefit of 60/601,666 08/13/2004

Foreign Applications

If Required, Foreign Filing License Granted: 05/04/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/032,894**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Method for enhancing memory and cognition in aging adults

Preliminary Class

434

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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www.uspto.gov

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Robert Walters	: DECISION ON REQUEST FOR
Patent Number	: 7582365	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/032,941	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1118** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 05/18/2010

Applicant : Robert Walters
Patent Number : 7582365
Issue Date : 09/01/2009
Application No: 11/032,941
Filed : 01/10/2005

: 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 **1168** 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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Paper No.

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

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JUL 18 2005

OFFICE OF PETITIONS

In re Application of	:	
Krystal et al.	:	DECISION ON
Application No. 11/032,951	:	PETITION
Filed: January 11, 2005	:	
Atty Docket No. 50216/003005	:	

This is a decision on the "PETITION UNDER 37 C.F.R. §1.53(e)," filed June 9, 2005, requesting that the above-identified application as filed without drawings be accorded a filing date of January 11, 2005.

Application papers in the above-identified application were deposited on January 11, 2005. However, on April 5, 2005, the Initial Patent Examination Division mailed applicants a "Notice of Incomplete Nonprovisional Application," stating *inter alia* that the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, applicants timely filed the instant petition, along with a preliminary amendment deleting all references to the drawings. Applicants acknowledge that drawings were not present in the application on filing. Petitioners argue that based on the subject matter sought to be patented, drawings are not necessary under 35 U.S.C. 113. Accordingly, the application as filed is entitled to a filing date of January 11, 2005.

Applicants' arguments are well taken. 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). See MPEP § 601.01(f). A review of the original application papers filed January 11, 2005, reveals that they contained at least one method claim. Thus, the application, containing a specification and at least one claim was complete within the meaning of 37 CFR § 1.53(b), and entitled to a filing date of January 11, 2005. The application record does not indicate that an examiner has reviewed the application and determined that despite the presence of method claims, drawings are necessary.

Accordingly, the petition is **GRANTED** to the extent that the nonprovisional application will be accorded a filing date of January 11, 2005 with no drawings as a part of the original disclosure of the application.

However, in regards to withdrawing the Notice, MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, ... directed to 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 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, MPEP § 601.01(g) further provides that:

> If the application is filed without all of the drawing figure(s) referred to in the specification, ..., OIPE will mail a "Notice of Omitted Item(s)" indicating that the application papers so deposited have been accorded a filing date, but are lacking some of the figures of the drawings described in the specification.

As the specification in the instant nonprovisional application contained references to drawing figures, mailing of a Notice requiring submission of those drawings was appropriate. The Office should have mailed a "Notice of Omitted Items" rather than a "Notice of Incomplete Provisional Application."

Given the basis for granting the petition, the petition fee is being refunded to Deposit Account No. 03-2095, as authorized.

This application is being forwarded to the Office of Initial Patent Examination **for further processing with a filing date of January 11, 2005** and for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing. Applicants will receive appropriate notifications regarding any missing items or fees owed, and other information in due course from OIPE.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PURDUE PHARMA, LP
201 TRESSER BOULEVARD
ONE STAMFORD FORUM
STAMFORD CT 06901

MAILED

JUN 0 8 2009

OFFICE OF PETITIONS

In re Patent No. 7,495,109	:	
Sun et al.	:	
Issue Date: February 24, 2009	:	
Application No. 11/032,955	:	DECISION ON REQUEST FOR
Filed: January 11, 2005	:	RECONSIDERATION OF
Attorney Docket No. PT 1042 DIV	:	PATENT TERM ADJUSTMENT
Title: Nociceptin Analogs	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705," filed April 24, 2009. This matter is being properly treated under 37 CFR 1.705(d) as an application for patent term adjustment.

The application for reconsideration of patent term adjustment is **DISMISSED**.

The above-identified application matured into U.S. Patent No. 7,495,109 on February 24, 2009. The patent issued with a patent term adjustment of 557 days. This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See, 37 CFR 1.705(d). Patentees request that the patent term adjustment determination for the above-identified patent be changed from 557 days to 961 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 assert that pursuant to Wyeth, a PTO delay under 35 U.S.C. 154(b)(1)(A) overlaps with a delay under 35 U.S.C. 154(b)(1)(B) only if the delays occur on the same day.

The petition submitted by patentees sets forth a period of adjustment for Office delays totaling 967 days (Three Year Delay

under 37 CFR 1.703(b) of 410 days *plus* a period of adjustment due to examination delay pursuant to 37 CFR 1.702(a) of 557 days). The petition also sets forth an overlap of 6 days. The petition reflects a 0 reduction of patent term adjustment for applicants' failure to engage in reasonable efforts to conclude prosecution pursuant to 37 CFR 1.704. Thus, patentees assert entitlement to an overall adjustment of 961 days (557+410 days for Office delays *less* 6 days for overlap and 0 days of applicants' delays).

Patentees' petition acknowledges the adjustments under 37 CFR 1.702(a) totaling 557 days. Patentees' printout also acknowledges the reductions for applicants' failure to engage in reasonable efforts to conclude prosecution pursuant to 37 CFR 1.704. These reductions total 0 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 during which patentees failed to engage in reasonable efforts to conclude prosecution pursuant to 37 CFR 1.704.

The Office agrees that as of the issuance of the patent on February 24, 2009, the application was pending three years and 410 days after its filing date. The Office agrees that because certain actions were not taken within specified time frames, the patent is entitled to an adjustment of 557 days pursuant to 37 CFR 1.702(a). At issue is whether patentees should accrue an additional 410 days of patent term adjustment for the Office taking in excess of three years to issue the patent, as well as 557 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that 410 days overlap. Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> To the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

Likewise, 35 CFR 1.703(f) provides that:

> To the extent that periods of delay attributable to the grounds specified in § 1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A), 69 Fed. Reg. 34283 (June 21, 2004), the Office interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See, 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See, Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule, 65 Fed. Reg. 56366 (Sept. 18, 2000). See, also, Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See, also, Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A), 69 Fed. Reg. 34283 (June 21, 2004).

The current wording of § 1.703(f) was revised in response to the misinterpretation of this provision by a number of Patentees. The rule was slightly revised to more closely track the corresponding language of 35 U.S.C. 154(b)(2)(A). The relevant

portion differs only to the extent that the statute refers back to provisions of the statute whereas the rule refers back to sections of the rule. This was not a substantive change to the rule nor did it reflect a change of the Office's interpretation of 35 U.S.C. 154(b)(2)(A). As stated in the Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A), the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding § 1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed. The grounds specified in these sections cover the A) guarantee of prompt Patent and Trademark Office responses, B) guarantee of no more than 3-year application pendency, and C) guarantee or adjustments for delays due to interference, secrecy orders and appeals. A section by section analysis of 35 U.S.C. 154(b)(2)(A) specifically provides that:

> Section 4402 imposes limitations on restoration of term. In general, pursuant to [35 U.S.C.] 154(b)(2)(A)-(C), total adjustments granted for restorations under [35 U.S.C. 154](b)(1) are reduced as follows: (1) To the extent that there are multiple grounds for extending the term of a patent that may exist simultaneously (e.g., delay due to a secrecy order under [35 U.S.C.] 181 and administrative delay under [35 U.S.C.] 154(b)(1)(A)), the term should not be extended for each ground of delay but only for the actual number of days that the issuance of a patent was delayed; See 145 Cong. Rec. S14,718[1]

[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-

As such, the period for over three-year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames. In other words, consideration of the overlap does not begin three years after the filing date of the application.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the entire period during which the application was pending before the Office, January 11, 2005, to the date the patent issued on February 24, 2009. Prior to the issuance of the patent, 557 days of patent term adjustment were accorded for the Office failing to respond within specified time frames during the pendency of the application. The 557 days accorded pursuant to 37 CFR 1.702(a) overlap with the 410 days of Office delay under 37 CFR 1.702(b).

The application actually issued three years and 410 days after its filing date. The Office did not delay 557 days and then delay an additional 410 days. Accordingly, 557 days of patent term adjustment (not 557 days and 410 days) was properly entered because the period of delay of 410 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 557 days attributable to grounds specified in § 1.702(a). Entry of both periods is not warranted. Thus, 410 days, which includes the 557 days pursuant to 37 CFR 1.702(a), is determined to be the actual number of days that the issuance of the patent was delayed.

Accordingly, at issuance, the Office properly entered an overall adjustment of 557 days of patent term adjustment for the Office taking in excess of three years to issue the patent.

In view thereof, no adjustment to the patent term will be made because the correct adjustment of 557 days is properly set forth in the Letters Patent (adjustments totalling 557 days less reductions totalling 0 days).

The Office acknowledges submission of the required $200.00 application fee. See, 37 CFR 1.18(e).

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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).

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. John Covert appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If, Mr. Covert 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. Covert, 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.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Charlema Grant, at (571) 272-3215.

Kery Fries
Senior Legal Advisor Attorney
Office of Patent Legal Administration

Cc: John M. Covert
1100 New York Avenue, N.W.
Suite 800
Washington, D.C. 20005-3934

UNITED STATES PATENT AND TRADEMARK OFFICE

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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO, IL 60604

Mail Date: 05/05/2010

Applicant	: Minoru Komada	: DECISION ON REQUEST FOR
Patent Number	: 7651594	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/032,970	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1271** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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NELSON MULLINS RILEY & SCARBOROUGH, LLP
1320 MAIN STREET, 17th FLOOR
COLUMBIA, SC 29201

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JAN 0 5 2006

OFFICE OF PETITIONS

In re Application of :
James B. Dockendorff et al. :
Application No. 11/032,976 : DECISION GRANTING PETITION
Filed: January 10, 2005 :
Attorney Docket No. 23706/09001 :

This is a decision on the "Petition to Establish Filing Date of Correspondence By "Express Mail" Under 37 CFR 1.10", filed November 7, 2005, requesting that the above-identified application be accorded a filing date of January 10, 2005, rather than the presently accorded filing date of January 11, 2005.

Petitioner alleges that the application was deposited in Express Mail service on January 10, 2005. While the date-in on the Express Mail Label indicates that Express Mail package EV249181105US was accepted by the USPS on January 11, 2005, the Express Mail Customer label has a USPS postmark of January 10, 2005. Additionally, a copy of the USPS postal receipt is included with the petition and shows a date of January 10, 2005 as the date Express Mail package EV249181105US was accepted for mailing.

In view of the evidence present in the file, it is concluded that the correct date of deposit in Express Mail service was January 10, 2005 and therein, the application is entitled to a filing date of January 10, 2005.

It is therefore concluded that the incorrect filing date was occasioned by postal service error. However, in view of the evidence presented, (postmark) the petition is **GRANTED**. Therefore, no fees are due and none will be charged.

The application is being returned to Office of Initial Patent Examination for reprocessing with a filing date of January 10, 2005, not January 11, 2005 and for issuance of a corrected filing receipt.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/032,976	01/10/2005	3737	2630	23706/09001	11	34	7

CONFIRMATION NO. 7975

CORRECTED FILING RECEIPT

27530
NELSON MULLINS RILEY & SCARBOROUGH, LLP
1320 MAIN STREET, 17TH FLOOR
COLUMBIA, SC 29201

OC000000017807790

Date Mailed: 01/09/2006

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)

James B. Dockendorff, North Haven, CT;
Kevin B. Downs, Coventry, CT;
Bryan M. Labarge, Terryville, CT;
George K. Lewis, Andover, MA;

Power of Attorney:

Mark Dukes--32343
Craig Killen--35218
Neil Jones--35561
Lloyd Farr--38446
Kyle Globerman--46730
Kenneth Bruley--51504
Chad Stover--54471

Domestic Priority data as claimed by applicant

Foreign Applications

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

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/032,976

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

Fluid level detector

Preliminary Class

600

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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Boulder, CO 80306

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OFFICE OF PETITIONS

In re Application of :
Kerry Wood :
Application No. 11/032,998 : DECISION ON PETITION
Filed: January 11, 2005 :
Attorney Docket No. N/A :

This is a decision on the petition under 37 CFR 1.181 (no fee) filed November 6, 2006, requesting withdrawal of the holding of abandonment in the above-identified application. The delay in responding is regretted.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice of Allowance, mailed May 23, 2006, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on October 2, 2006.

Petitioner asserts that the Notice of Allowance dated May 23, 2006 was not received. Petitioner further states that the Office mailed the correspondence to an incorrect address.

A review of the file record discloses that a Power of Attorney and Change of Correspondence Address Indication Form was filed on August 24, 2005, which contained a typed address of P.O. Box 1518, Boulder, CO 80306. The record further shows that the Power of Attorney and Change of Address was accepted and made of record on September 8, 2005. However, for some unknown reason the Office mailed the Notice of Allowance to 124 Hickory Street, Bridgeport, CT 06610, which was the previous address of record. Therefore, since there is an irregularity in the mailing of the Notice of Allowance, it would be appropriate here to withdraw the holding of abandonment.

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

In view of the treatment of this petition under 37 CFR 1.181, no petition fee is required and none has been assessed.

This application is being referred to the Office of Data Management via Technology Center AU 3765.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84

In re Application of :
Jackson, et al. : DECISION REFUSING STATUS
Application No. 11/033,022 : UNDER 37 CFR 1.47(a)
Filed: January 10, 2005 :
Atty. Dkt. No.: 2506-3537US :
For: USE OF VIRUSES AND VIRUS-RESISTANT MICROORGANISMS FOR CONTROLLING MICROORGANISM POPULATIONS :

This decision is in response to the petition under 37 CFR 1.47(a), filed May 2, 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 January 10, 2005 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed February 28, 2005 requiring, *inter alia*, an executed oath or declaration and a surcharge.

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

The instant petition fails to satisfy items (1), (2), and (4) set forth above.

As to item (1), petitioners have failed to establish that inventor Rex S. Spendlove has refused to execute the oath or declaration after having been presented with the complete application papers (specification including claims, drawings, and oath or declaration).

The petition states that prior to November 12, 2004, the inventor was sent a draft of the application. The petition further states that after November 12, 2004, petitioners had not received any word that the inventor had received the draft of the application. The petition further states that the inventor was thereafter on several occasions sent a copy of an assignment document and declaration for execution. The petition does state that the inventor executed the assignment document, but that to date an executed declaration has not been forthcoming.

Petitioners are reminded that before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor at the non-signing inventor's last known address, typically a residential address.

The manner in which the application papers were presented to the inventor is vague. Thus, it cannot be established without further detail regarding the manner in which the application papers were presented to the inventor that the inventor received the complete application papers for the above-identified application, and thereafter refused to execute the oath or declaration.

Any renewed petition must establish that the non-signing inventor was presented with a complete copy of the application papers and thereafter refused to execute the oath or declaration.

As to item (2), petitioners have failed to present a declaration in accordance with 37 CFR 1.63. The declaration presented with the instant petition is unacceptable because it fails to identify the application by application number and filing date. Any renewed petition must be accompanied by a newly executed oath or declaration in full compliance with 37 CFR 1.63 and 37 CFR 1.64 and/or 37 CFR 1.76.

As to item (4), the petition fails to set forth the last known address of the non-signing inventor as required under 37 CFR 1.47.

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) 272-8300
By hand:	U.S. Patent and Trademark Office Customer Service Window Mail Stop Petition Randolph Building 401 Dulaney Street Alexandria, VA 22314

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:
Jackson, et al.	: DECISION NOTING JOINDER
Application No. 11/033,022	: OF INVENTOR AND PETITION
Filed: January 10, 2005	: UNDER 37 CFR 1.47(a) MOOT
Atty. Dkt. No.: 2506-3537US	:

This decision is in response to the renewed petition under 37 CFR 1.47(a), filed October 12, 2005.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is not necessary and the 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).

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) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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THE NOBLITT GROUP, PLLC
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SUITE 6000
SCOTTSDALE AZ 85251

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OFFICE OF PETITIONS

In re Application of :
Belanger et al. :
Application Number: 11/033033 : LETTER DISMISSING PETITION
Filing Date: 01/11/2005 :
Attorney Docket Number: :
10000.0100 :

This is a decision on the paper styled as a petition under 37 CFR 1.137(b)[1] filed on September 10,[2] 2009, to revive the above-identified application.

The petition is **DISMISSED for the reasons stated below.**

The petition, which is signed by inventor John Jianyue Shen, cannot be considered on the merits because it is not properly signed. Specifically, 37 CFR 1.4 requires that all papers filed

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

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

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

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

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

[2] On September 10, 2009, a copy of the petition paper was filed, but no fee was received. On September 14, 2009, a duplicate copy of the petition papers, including the petition fee, was filed.

in the USPTO must be signed by either a registered patent attorney or all of the inventors in an application. As this application contains an executed declaration listing Raymond Belanger, John Jianyue Shen, Zuomin Dong, and Jeremy John Tomlinson as joint inventors, the petition must be signed by all of the inventors, an assignee as provided for under 37 CFR 3.71(b), or by their representative.

This application became abandoned on November 24, 2008, for failure to timely file a response to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on October 23, 2008, which set a one (1)-month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on August 14, 2009.

The petition also lacks the reply required by 37 CFR 1.137(b)(1). In this regard, no reply to the Notice of Non-Compliant Amendment mailed on October 23, 2008 has been filed. A reply to the outstanding Office communication is a prerequisite to a grantable petition under 37 CFR 1.137(b). A copy of the Notice mailed on October 23, 2008 is included for petitioner's reference.

Receipt is acknowledged of the request to change the correspondence address filed on September 14, 2009. The request cannot be accepted because it is not signed by all of the inventors or by the assignee in accordance with § 3.71(b). A change of correspondence address form is enclosed for petitioner's reference. A courtesy copy of this decision will be mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record.

A reply should be submitted within two (2) months of the mailing date of this decision. **This time period is not extendable.** See 37 CFR 1.181(f).

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

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

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

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

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Notice mailed on October 23, 2008
PTO/SB/96
PTO/SB/122

Cc: JOHN JIANYUE SHEN
1152 4250 WESTBROOK MALL
VANCOUVER BC V6T 1W5
CANADA

UNITED STATES PATENT AND TRADEMARK OFFICE

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

39602 e 10/23/2008

THE NOBLITT GROUP, PLLC
4800 NORTH SCOTTSDALE ROAD
SUITE 6000
SCOTTSDALE, AZ 85251

Paper No.

Application No.:	**11/033,033**	**Date Mailed:**	**10/23/2008**
First Named Inventor:	Belanger, Raymond,	Examiner:	KALAFUT, STEPHEN J
Attorney Docket No.:	10000.0100	Art Unit:	1795
Confirmation No.:	8169	Filing Date:	01/11/2005

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

Commissioner for Patents

PTO-90c (Rev.08-06)

Notice of Non-Compliant Amendment (37 CFR 1.121)	Application No. 11/033,033	Applicant(s) BELANGER ET AL.	
		Art Unit 1700	

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

The amendment document filed on 23 September, 2008 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other _____.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
  - ☒ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☒ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: _____.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only) If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.

2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

   Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.
   Failure to timely respond to this notice will result in:
   Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
   Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable /TYWANA P. LOVELACE/ Telephone No: (571)272-1027

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NOV 23 2009

OFFICE OF PETITIONS

THE NOBLITT GROUP, PLLC
4800 NORTH SCOTTSDALE ROAD
SUITE 6000
SCOTTSDALE AZ 85251

In re Application of :
BELANGER, Raymond et al. :
Application No. 11/033,033 : DECISION ON PETITION
Filed: January 11, 2005 : TO WITHDRAW
Attorney Docket No. **10000.0100** : FROM RECORD
:

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 28, 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 Daniel Noblitt on behalf of all attorneys of record who are associated with customer No. 39602. All attorneys/agents associated with the Customer Number 39602 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 at the first copied address below until otherwise properly notified by the applicant.

The application became abandoned for failure to timely file a proper reply to the Office letter mailed on June 09, 2008.

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

/Tredelle D. Jackson/
Petitions Examiner
Office of Petitions

cc: **RAYMOND BELANGER**
413, 522 SMITH AVE.
COQUITLAM, B.C.
CANADA V3J7X7

cc: **PALCAN POWER SYSTEMS INC.**
DR. JOHN SHEN
4250 WESBROOK MALL
VANCOUVER BC V6T1W5

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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STEPTOE & JOHNSON LLP
2121 AVENUE OF THE STARS
SUITE 2800
LOS ANGELES, CA 90067

Mail Date: 04/21/2010

Applicant	: Joshua C. Kline	: DECISION ON REQUEST FOR
Patent Number	: 7660416	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/033,041	: OF WYETH
Filed	: 01/11/2005	:
		:

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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STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE CA 92618

In re Application of:	:	
RIZOIU, IOANA M.	:	
Serial No.: 11/033,044	:	
Filed: Jan. 10, 2005	:	DECISION ON PETITION
Docket: BI9694P	:	
Title: FLUID CONDITIONING SYSTEM	:	
	:	

This is a decision on the petition filed on Nov. 19, 2008 seeking reconsideration of the finality of the Office action mailed Sep. 9, 2008. This petition is being considered pursuant to 37 CFR §1.181. No fee is required.

The petition is dismissed as untimely.

In the Nov. 19, 2008 petition, the petitioner requests the finality of the Office action of Sep. 9, 2008 be reconsidered and withdrawn because the applicant believes that the final rejection of Sep. 9, 2008 contains new ground of rejection. 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 Sep. 9, 2008. 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 Sep. 9, 2008 will not be granted.

With regard to the amendment after final on Oct. 27, 2008, the examiner has considered the amendment and mailed an advisory action on Nov. 6, 2008. The applicant should file a notice of appeal in preparation for an appeal.

In view of the record, petitioner's request to withdraw the finality of the Office action dated Sep. 9, 2008 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 application is being forwarded to the Supervisory Patent Examiner of Art Unit 3711 for consideration of the amendment filed under 37 CFE 1.116. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED AS UNTIMELY.

Donald T. Hajec, Director
Technology Center 3700

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SEP 11 2009

OFFICE OF PETITIONS

STEVEN J. ADAMSON, PC
P.O. BOX 5997
PORTLAND, OR 97228

In re Application of	:	
Shane Chen	:	
Application No. 11/033,049	:	DECISION ON PETITION
Filed: January 10, 2005	:	
Attorney Docket No. INV005	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 20, 2009, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 17, 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 December 18, 2008.

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

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

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.

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 20, 2009.

April M. Wise
Petitions Examiner
Office of Petitions

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OFFICE OF TECHNOLOGY TRANSFER
NATIONAL INSTITUTES OF HEALTH
6011 EXECUTIVE BLVD SUITE 325
MSC 7660
BETHESDA MD 20892-7660

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SEP 11 2008

In re Application of :
Krempl et al. :
Application No. 11/033,055 : ON PETITION
Filed: January 10, 2005 :
Attorney Docket No. 1173-1038PUS4 :

This is a decision on the "Petition Under 37 CFR 1.183 to Waive Rule To Permit Filing of References on Compact Disk", filed on January 30, 2007.

The petition is dismissed.

Petitioner seeks waiver of rule 37 CFR 1.98(a)(2) requiring that a paper copy of each listed reference in support of an Information Disclosure Statement be provided. Petitioner seeks to submit the references via compact disk containing .pdf copies in lieu of the required paper copies.

37 CFR 1.183 provides that in an extraordinary situation, when justice requires, any requirement of the regulations, which is not a requirement of the statutes may be suspended or waived by the Director.

Petitioner has failed to provide any evidence that justice requires that 37 CFR 1.98 be waived to allow for the submission of references via compact disk. Further, the Office has provided an alternative manner in which Information Disclosure Statements can be submitted via Electronic Filing System (EFS).

As of May of 2002 IDSs may be submitted to the Office via the EFS. Applicants can file an e-IDS using the EFS by (A) entering the references' citation information in an electronic data entry form, equivalent to the paper PTO/SB/08A form, and (B) transmitting the electronic data entry form to the Office. This electronic form allows only citations of U.S. patents and U.S. patent application publications. No paper copies of U.S. patents and U.S. patent application publications cited in the IDS are required to be submitted by the applicants with the e-IDS. If any references to foreign patent documents or non-patent literature documents (NPLs) or unpublished U.S. patent applications are to be cited, applicants must submit those citations on a separate, conventional paper forms PTO/SB/08A and/or PTO/SB/08B. See MPEP 609.07.

The application is being referred to Art Unit 1648 for appropriate action by the Examiner in the normal course of business.

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

Charlema 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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David M. Lockman
MAGINOT, MOORE & BECK LLP
Bank One Center/Tower
111 Monument Circle, Suite 3000
Indianapolis, IN 46204-5115

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DEC 15 2005

OFFICE OF PETITIONS

In re Application of :
Stuart, Wachsman, Mercola, McClelland, Wang-Rodriguez :
Tarin, Berry, Arden, Wasserman, Goodison, Klacansky
Application No. 11/033,056 : DECISION GRANTING STATUS
Filed: January 10, 2005 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 15670-073001 :
For: CELL-TYPE SPECIFIC PATTERNS OF GENE EXPRESSION

This is in response to the petition under 37 CFR 1.47(a), filed December 7, 2005 (certificate of mailing dated November 30, 2005.)

The petition is **GRANTED**.

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

The above-identified application was filed on January 10, 2005, and was not accompanied by an oath or declaration pursuant to 37 CFR 1.63. A Notice to File Missing Parts of Nonprovisional Application was mailed on June 30, 2005, allowing a shortened period for reply of two months from its mailing date. The notice required, an oath or declaration to be filed, along with a surcharge. The notice also required the fulfillment of other application filing requirements. The instant petition was filed on December 7, 2005, along with a request for an extension of time within the third month.

Petitioner has shown that inventors Wachsman, Tarin, and Wasserman have refused to join the prosecution of the application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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DEC 22 2005

OFFICE OF PETITIONS

In re Application of
Stuart, Wachsman, Mercola, McClelland, Wang-Rodriguez
Tarin, Berry, Arden, Wasserman, Goodison, Klacansky
Application No. 11/033,056
Filed: January 10, 2005
Attorney Docket No. 15670-073001
For: CELL-TYPE SPECIFIC PATTERNS OF GENE EXPRESSION

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

This is in response to the petition under 37 CFR 1.47(a), filed December 7, 2005 (certificate of mailing dated November 30, 2005.)

The petition is **GRANTED**.

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

The above-identified application was filed on January 10, 2005, and was not accompanied by an oath or declaration pursuant to 37 CFR 1.63. A Notice to File Missing Parts of Nonprovisional Application was mailed on June 30, 2005, allowing a shortened period for reply of two months from its mailing date. The notice required, an oath or declaration to be filed, along with a surcharge. The notice also required the fulfillment of other application filing requirements. The instant petition was filed on December 7, 2005, along with a request for an extension of time within the third month.

Petitioner has shown that inventors Wachsman, Tarin, and Wasserman have refused to join the prosecution of the application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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MOTOROLA, INC.
1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG, IL 60196

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DEC 16 2005

OFFICE OF PETITIONS

In re Application of	:	
Anurag K. Gupta et al	:	
Application No. 11/033,066	:	DECISION GRANTING
Filed: January 11, 2005	:	PETITION
Attorney Docket No. CML02056HI	:	

This is a decision on the petition under 37 CFR 1.182, filed November 18, 2005, which is being treated under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of January 11, 2005, rather than the presently accorded filing date of January 10, 2005.

The petition is **GRANTED**.

Applicants request the later filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on January 11, 2005. The petition is accompanied by a copy of the USPS Track/Confirm system information showing that the package bearing Express Mail label No. EV600325428US was accepted on January 11, 2005. The same Express Mail receipt number is found on the utility patent application transmittal accompanying the original application papers located in the official file.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on January 11, 2005. Accordingly, the instant application file is entitled to a filing date of January 11, 2005, and has been so accorded.

The petition is granted. No petition fee is required and none has been charged.

This matter is being referred to Technology Center AU 2654 for examination in due course.

Telephone inquires specific to this matter should be directed to Wan Laymon at (571) 272-3220.

Frances Hicks
Lead 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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WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402

Mail Date: 04/21/2010

Applicant	: William T. Anderson	: DECISION ON REQUEST FOR
Patent Number	: 7642628	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/033,076	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **263** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/17/09 Paper No.: —

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/033079 Patent No.: 7378529 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)
Randolph Square – 9D10-A
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

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

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

Comments: _____

JAMES O. WILSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

1624

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COMMISSIONER FOR PATENTS
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Eric Marich
The Babcock & Wilcox Company
20 S. Van Buren Avenue
Barberton, OH 44203

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JUL 07 2006

OFFICE OF PETITIONS

In re Application of :
Anthony Michael Ryan :
Application No. 11/033,085 : ON PETITION
Filed: January 10, 2005 :
Attorney Docket No. 7088 :

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

The application became abandoned for failure to timely respond to the Notice of Allowance and Fee(s) Due mailed January 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 $1,400 for payment of the issue fee and $300 for payment of the publication fee; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office also acknowledges receipt of $33 for eleven (11) advance soft copies filed on May 2, 2006.

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

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

WILMERHALE/BOSTON
60 STATE STREET
BOSTON MA 02109

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DEC 21 2009

OFFICE OF PETITIONS

In re Application of	:	
Claude L. Bertin	:	
Application No. 11/033087	:	ON APPLICATION FOR
Filed: 01/10/2005	:	PATENT TERM ADJUSTMENT
Atty Docket No.:	:	
112020.149 US2 (NAN-25)	:	

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT AND REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §§ 1.702-1.705, filed October 7, 2009. Applicant submits that the correct patent term adjustment to be indicated on the patent is 471 days, not zero (0) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent. The application for patent term adjustment is properly treated under 37 C.F.R. § 1.705(b).

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

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

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

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

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

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

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

Telephone inquiries specific to this decision should be directed to Attorney Derek Woods at (571) 272-3232.

/ALESIA M. BROWN/

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

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

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September 2005

CALFEE HALTERN & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND, OH 44114

SEP 0 7 2005

In re Application of:
BRUCE PAZULA
Serial No.: 11/033,090
Filed: 10 January 2005
Docket: 24259/04527
Title: REMOVABLE INCANDESCENT LIGHT BULB BASE PERMITTING CONVERSION TO FLUORESCENT LIGHTING PRODUCTS

DECISION ON PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(c) [ENERGY]

This is a decision on the petition filed on January 10, 2005, to make the above-identified application special under the accelerated examination procedure set forth in MPEP § 708.02(VI) in accordance with 37 C.F.R. § 1.102(c).

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

In support of the petition, the petition provides a statement explaining how the invention materially contributes to reduction of energy consumption.

For accelerated examination under MPEP § 708.02(VI) in accordance with 37 C.F.R. § 1.102(c), a petition must include a statement explaining how the invention materially contributes to the conservation, discovery, or development of energy resources.

The requirements of MPEP § 708.02(VI) 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.

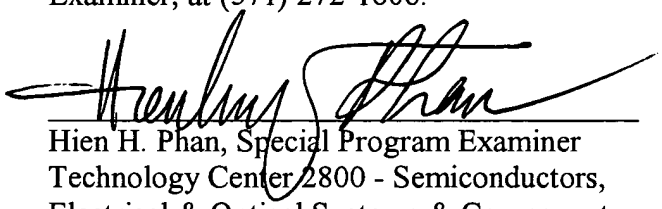
The application file is being forwarded to the examiner for expedited prosecution.

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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September 2005

CALFEE HALTERN & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND, OH 44114

SEP - 8 2005

In re Application of:
BRUCE PAZULA
Serial No.: 11/033,090
Filed: 10 January 2005
Docket: 24259/04527
Title: REMOVABLE INCANDESCENT LIGHT BULB BASE PERMITTING CONVERSION TO FLUORESCENT LIGHTING PRODUCTS

DECISION ON PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(c) [ENERGY]

This is a decision on the petition filed on January 10, 2005, to make the above-identified application special under the accelerated examination procedure set forth in MPEP § 708.02(VI) in accordance with 37 C.F.R. § 1.102(c).

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

In support of the petition, the petition provides a statement explaining how the invention materially contributes to reduction of energy consumption.

For accelerated examination under MPEP § 708.02(VI) in accordance with 37 C.F.R. § 1.102(c), a petition must include a statement explaining how the invention materially contributes to the conservation, discovery, or development of energy resources.

The requirements of MPEP § 708.02(VI) 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/033,105	01/10/2005	Louise Maria Johanna Kroon-Batenburg	2183-6772US	9313

24247 7590 12/08/2008

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

EXAMINER	
VENCI, DAVID J	
ART UNIT	**PAPER NUMBER**
1641	

NOTIFICATION DATE	DELIVERY MODE
12/08/2008	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):

USPTOMail@traskbritt.com

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TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

DEC 0 5 2008

In re Application of :
Gebbink et al.
Serial No.: 11/033,105
Filed: July 10, 2005
Attorney Docket No.: **2183-6772US**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed November 14, 2008, to expunge information from the above identified application.

Petitioner requests that the Draft Amendment filed on October 17, 2008 be expunged from the record because through clerical error the fax was transmitted to the central fax number instead of the examiner's direct fax number. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for this document have been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

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

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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

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AUG 1 1 2005

OFFICE OF PETITIONS

In re Application of :
Van Gerven :
Application No. 11/033,114 : DECISION GRANTING
Deposited: January 12, 2005 : PETITION
Attorney Docket No. 0142-0476PUS1 :
For: NOZZLE CLEANING DEVICE FOR AN :
INK JET PRINTER

This is a decision on the petition under 37 CFR 1.53(e), filed July 14, 2005, requesting that the above-identified application be accorded a filing date of January 12, 2005

The application was deposited on January 12, 2005. On May 17, 2005, the Office of Initial Patent Examination mailed a Notice informing petitioner that no filing date had been accorded to the application papers deposited on January 12, 2005 because the specification was missing.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that the above-identified application be accorded a filing date of January 12, 2005 on the basis that 17 pages of specification, including claims, were received in the Patent and Trademark Office (PTO) on January 12, 2005. In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing January 12, 2005 as the date of receipt. The postcard lists, *inter alia*, that the filing includes 17 pages of specification.

The return postcard constitutes *prima facie* evidence that 17 pages of specification were filed on January 12, 2005. MPEP 503. Accordingly, the request is **GRANTED**. No petition fee has been or will be charged in connection with this matter.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **January 12, 2005**, using the copy of the 17 pages of specification submitted with the instant petition.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA A 22314

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OFFICE OF PETITIONS

In re Application of :
Isao Teshigahara et al :
Application No. 11/033,131 : DECISION GRANTING PETITION
Filed: January 12, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 261445USOCONT :

This is a decision on the petition, filed May 7, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 3, 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 1621 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\fhicks\My Documents\470\May10\033131.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.*

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ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

Mail Date: 05/10/2010

Applicant	: Shu-Feng Lu	: DECISION ON REQUEST FOR
Patent Number	: 7616189	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/033,141	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1339** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

Mail Date: 04/26/2010

Applicant	: John David Newton	: DECISION ON REQUEST FOR
Patent Number	: 7629967	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/033,183	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1262** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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ANTHONY I. PROVITOLA
1960 HAZEN ROAD
POST OFFICE BOX 2855
DELAND FL 32721-2855

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SEP 2 7 2005

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Anthony I. Provitola :
Application No. 11/033,186 : DECISION ON PETITION
Filed: January 11, 2005 : TO MAKE SPECIAL
For: ENHANCEMENT OF DEPTH :
PERCEPTION :

This is a decision on the petition under 37 C.F.R. §1.102 to make special filed September 12, 2005 which is considered as pursuant to MPEP §708.02 (IV), applicant's age.

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

The petition includes a copy of the Birth Certificate for Anthony I. Provitola evidencing that he is over 65 years of age.

Accordingly, the petition is **GRANTED**.

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

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

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

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THERAVANCE, INC.
901 GATEWAY BOULEVARD
SOUTH SAN FRANCISCO, CA 94080

Mail Date: 04/21/2010

Applicant	: Robert M. McKinnell	: DECISION ON REQUEST FOR
Patent Number	: 7622467	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/033,198	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1053** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MILLS & ONELLO LLP
ELEVEN BEACON STREET
SUITE 605
BOSTON, MA 02108

Mail Date: 04/21/2010

Applicant	: Sang-cheol Han	: DECISION ON REQUEST FOR
Patent Number	: 7598168	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/033,208	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1250** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Lisa M.W. Hillman, Ph.D.
McDonnell Boehnen Hulbert & Berghoff
32nd Floor
300 S. Wacker Drive
Chicago IL 60606

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MAY 12 2009

OFFICE OF PETITIONS

In re Patent No. 7,439,321	:	
O'Connor et al.	:	DECISION ON REQUEST
Issue Date: October 21, 2008	:	FOR RECONSIDERATION OF
Application No. 11/033,209	:	PATENT TERM ADJUSTMENT
Filed: January 11, 2005	:	
Attorney Docket No. 02-121-E	:	

This letter is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705(b)-(d)" filed December 17, 2008, which is being treated as a petition under 37 CFR 1.705(d). Patentees request that the Patent Term Adjustment for the above-identified patent be corrected from zero (0) days to one hundred ninety-four (194) days.

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

On October 21, 2008, the above-identified application matured into U.S. Patent No. 7,439,321. The instant request for reconsideration was filed timely on December 17, 2008. The patent issued with a Patent Term Adjustment of 0 days. Patentees request an additional 194 days of patent term in light of the recent court decision in Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008).

Specifically, patentees assert:

> The instant application was filed on January 11, 2005 and issued on October 21, 2008, which is 3 years plus 284 days after the filing date, resulting in a "B delay" of 284 days.
>
> The *Wyeth* decision states that "the 'A period' and 'B period' overlap only if they occur on the same calendar day or days" *(Wyeth,* No. 07-1492, slip op. at 8). Thus, according to the *Wyeth* decision, Patentees are entitled to both the "A delay" of 181 days and the "B delay" of 284 days minus any overlap that occurs on the same calendar days. There is an overlap of 63 same calendar days between the "A delay" (181 days) and the "B delay" (284 days). Thus, the total Patent Term Adjustment due to both the "A" and "B" delays and minus the overlap is 402 days (181 + 284 - 63 = 402). During prosecution Patentees delayed prosecution by 208 days. Therefore the Patentees were responsible for a total of 208 days delay. For these reasons, the Patent Term Adjustment for this case should be 194 days (402 days of patent office delay-208 days of Patentee delay = 194 days).

Petition dated 12/17/08, pp. 2-3.

37 CFR 1.702(b) provides, in pertinent part:

> *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:
>
> (1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b)[.]

37 CFR 1.703(b) provides, in pertinent part:

> The period of adjustment under 1.702(b) is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) ... and ending on the date a patent was issued, but not including the sum of the following periods:
>
> (1) The number of days, if any, in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued[.]

In this instance, patentees filed a request for continued examination (RCE) on October 16, 2006. Thus, the RCE cuts-off the ability to accumulate additional patent term adjustment against the three-year pendency provision, but does not otherwise effect patent term adjustment. Accordingly, no period of adjustment under 37 CFR 1.702(b) is warranted.

Moreover, 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 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 U.S.C. 154(b)(1)(B), 35 U.S.C. 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).

In view thereof, the requested patent term adjustment cannot be granted as it is not correct. The patent term adjustment will remain 0 days (180 days of Office delay - 208 days of applicant delay).

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

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

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

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JUL 23 2007

OFFICE OF PETITIONS

In re Application of :
Barret Lippey :
Application No. 11/033,214 : ON PETITION
Filed: January 10, 2005 :
Attorney Docket No. 02103-406003 / AABOSS32

This is a decision on the petition, filed July 18, 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 July 3, 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 file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

This matter is being referred to Technology Center AU 2851 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

[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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BOSE CORPORTATION
c/o DONNA GRIFFITHS
THE MOUNTAIN, MS 40
IP LEGAL – PATENT SUPPORT
FRAMINGHAM, MA 01701

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NOV 18 2008

In re Application of	:	
LIPPEY, Barret	:	
Application No. 11/033,214	:	DECISION GRANTING PETITION
Filed: January 10, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **02103-406003/AABOSS32**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 14, 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 October 28, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2862 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Monica A. Graves
Petitions Examiner
Office of Petitions

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

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APPLE INC./BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 04/21/2010

Applicant	: Matt Evans	: DECISION ON REQUEST FOR
Patent Number	: 7608775	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/033,237	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/07/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **668** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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HICKMAN PALERMO TRUONG & BECKER LLP/Apple Inc.
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110-1083

Mail Date: 04/21/2010

Applicant	: Peter K. Wagner	: DECISION ON REQUEST FOR
Patent Number	: 7643706	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/033,238	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/07/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1352** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/033,242	01/11/2005	2655	1000	0941-72228	13	11	3

CONFIRMATION NO. 7177

CORRECTED FILING RECEIPT

OC000000015509506

Patrick G. Burns, Esq.
GREER, BURNS & CRAIN, LTD.
Suite 2500
300 South Wacker Dr.
Chicago, IL 60606

Date Mailed: 03/23/2005

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

Applicant(s)

Yasukiyo Kunimatsu, Kawasaki, JAPAN;

Assignment For Published Patent Application

FUJITSU LIMITED

Power of Attorney: The patent practitioners associated with Customer Number **24978**.

Domestic Priority data as claimed by applicant

This application is a CON of PCT/JP02/08833 08/30/2002

Foreign Applications

If Required, Foreign Filing License Granted: 02/24/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/033,242

Projected Publication Date: 06/30/2005

Non-Publication Request: No

Early Publication Request: No

BEST AVAILABLE COPY

Title

ROM-RAM medium and storage device therefor

Preliminary Class

720

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).

DATE 10/1/07

APPLICATION NUMBER 11/033245

DOC CODE PETDEC

DOC DATE 10/9/07

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

CONTRACTOR: THE ATTACHED FILE/DOCUMENT MUST BE INDEXED AND SCANNED INTO IFW WITHIN **8** WORK HOURS; UPLOADING OF THE SCANNED IMAGES SHOULD OCCUR NO LATER THAN **16** WORK HOURS FOLLOWING RECEIPT OF THIS REQUEST

AFTER SCANNING, ORIGINAL DOCUMENTS SHOULD BE BOXED IN ACCORDANCE WITH INSTRUCTIONS

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222 LAKEVIEW AVE
SUITE 800
WEST PALM BEACH FL 33401-6112

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OFFICE OF PETITIONS

In re Application of

MONTERO, Gonzalo
Application No. 11/033,245
Filed: January 11, 2005
Attorney Docket No. **8003-1**

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 03, 2007.

The request is **NOT APPROVED.**

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, client's failure to provide instructions, 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 inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **GONZALO MONTERO**
8500 NW 64TH STREET
MIAMI, FL 33166

UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date : 6/12/2009
Patent No. : 7,527,269 B2
Serial No. : 11/033,247
Inventor(s) : Tiefenbach et al.
Issue Date : May 5, 2009
Title : **CYLINDER HEAD GASKET HAVING DEFORMATION DELIMITING DEVICES RADIALLY INSIDE AND OUTSIDE SEALING BEAD**
Doc./File No. : **HOG990**

Re: Certificate of Correction (Reconsideration)

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

Respecting the alleged errors in your request, in column 8 lines 5 & 8, the data is/are printed in accordance with the last and most recent Notice of Allowance dated 120//08. No new documents have been received or entered to support your claim. No correction is in order here. There being no fault on the part of 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 foregoing, your request for certificate of correction is hereby denied.

Further consideration will be given concerning this matter upon receipt of a request for **Reconsideration** (reconsideration should be accompanied by supporting document(s) such as, amendment, postcard receipt, 1449/892, etc.) and should be filed and directed to Decisions & Certificates of Correction Branch.

Ernest C. White, *LIE* (703) 756-1590
Mary F. Diggs, *Supervisor* (703) 756-1580
Decisions & Certificates of Correction Branch

EDWARD J. TIMMER
P. O. BOX 770
RICHLAND MI 49083

ecw

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Schwegman Lundberg & Woessner/WARF
P.O. Box 2938
Minneapolis, MN 55402

Mail Date: 04/20/2010

Applicant	: Christopher W. Olsen	: DECISION ON REQUEST FOR
Patent Number	: 7572620	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/033,248	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **958** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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SILICON VALLEY PATENT AGENCY
7394 WILDFLOWER WAY
CUPERTINO, CA 95014

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OFFICE OF PETITIONS

In re Application of
Daniel W. Au et al
Application No. 11/033,252
Filed: January 7, 2005
Attorney Docket No. BNI-001

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 10, 2005.

The petition 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 reason for withdrawal was not indicated.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by a registered practitioner given power of attorney in this application, an assignee, or the applicants. See 37 CFR 1.33(a)(2).

This application is being referred to Technology Center AU 3611.

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

Denise Pothier
Petitions Examiner
Office of Petitions

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7394 Wildflower Way
Cupertino, CA 95014

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OFFICE OF PETITIONS

In re Application of :
AU, et al. :
Application No. 11/033,252 : DECISION ON PETITION
Filed: January 07, 2005 : TO WITHDRAW
Attorney Docket No. BNI-001 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 26, 2006.

The request is **APPROVED**.

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

The request was signed by Joe Zheng, the sole attorney of record.

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

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

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Patricia Volpe at 571-272-6825.

David Bucci
Petitions Examiner
Office of Petitions

cc: Daniel W. Au
Rm. 5, 12th Floor, Goldfield Ind. CTR...
1 Sui Wo Road
Fo Tan, New Territories
CHINA

cc: Kammy W. Au
4752 Audrey Drive
Castro Valley, CA 94546

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OFFICE OF PETITIONS

In re Application of	:	
Takashi Sato et al.	:	
Application No. 11/033,272	:	DECISION ON PETITION
Filed: January 12, 2005	:	PURSUANT TO
Atty Docket No. 264539US3	:	37 C.F.R. § 1.181(A)
Title: EMERGENCY CORE COOLING SYSTEM	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.181(a), filed on April 9, 2009, requesting that the holding of abandonment be withdrawn.

A Notification of Non-complaint Appeal Brief was mailed on June 13, 2008, which set a one-month period for response. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 14, 2008. A Notice of abandonment was mailed on March 5, 2009.

Applicants have asserted that the mailing was not received, as an e-notification was not sent. More specifically, Applicants have asserted that a series of events occurred according to the following timeline:

- 5:19 AM: an Advisory Action was loaded into IFW.
- ~ 6:45 AM: an e-office action notification e-mail was sent to Applicants, and the docket staff retrieved the Advisory Action.
- 12:21 PM: the Notification of Non-complaint Appeal Brief was loaded into IFW.

As such, Applicants have asserted that the Notification of Non-complaint Appeal Brief was not loaded and viewable until after Applicants had checked on the preveniently sent e-office notification.

It is noted that Applicants participate in the e-Office Action Pilot Program. Office records confirm that there was an irregularity in the sending of the e-notification. Specifically, USPTO computer records confirm that the Notification of Non-complaint Appeal Brief was uploaded at 12:21 PM on June 13, 2008, subsequent to the sending of the e-notification, and that no additional e-notification was provided.

It is noted that Applicants were under the electronic delivery system at all times relevant to this decision and thus, a paper copy of the notice was never mailed.

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

No fee is required on petition pursuant to 37 C.F.R. § 1.181(a).

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center will **re-mail the Notification of Non-complaint Appeal Brief of June 13, 2008, and will set a new period for response.**

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225. 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.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HOGAN & HARTSON LLP
IP GROUP, COLUMBIA SQUARE
555 THIRTEENTH STREET, N.W.
WASHINGTON DC 20004

COPY MAILED

JUN 18 2008

In re Application of :
Deron Simpson, et al. :
Application No. 11/033,298 : DECISION ON PETITION
Filed: January 12,2005 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 82064-0014 CIP :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed December 19, 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 Ramesh Krishnamurthy at (571) 272-4914. 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 2872 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.

David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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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
11/033,298	01/12/2005	2872	2300	82064-0014 CIP	40	2

CONFIRMATION NO. 7378

CORRECTED FILING RECEIPT

24633
HOGAN & HARTSON LLP
IP GROUP, COLUMBIA SQUARE
555 THIRTEENTH STREET, N.W.
WASHINGTON, DC 20004

OC00000030508733

Date Mailed: 06/17/2008

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

Applicant(s)

Deron Simpson, Finksburg, MD;
Lisa Y. Winckler, Collinsville, VA;

Power of Attorney: The patent practitioners associated with Customer Number 24633

Domestic Priority data as claimed by applicant

This application is a CIP of 10/445,942 05/28/2003 PAT 7,177,075
which claims benefit of 60/395,332 07/12/2002
and claims benefit of 60/383,114 05/28/2002

Foreign Applications

If Required, Foreign Filing License Granted: 03/16/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/033,298**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

SYSTEM AND METHOD FOR FILTERING ELECTROMAGNETIC TRANSMISSIONS

Preliminary Class

359

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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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Banner & Witcoff, Ltd.
1100 13th Street, NW
Suite 1200
Washington, DC 20005-4051

MAILED

JUN 0 3 2009

OFFICE OF PETITIONS

In re Application of	:	
Soichi Moriya et al.	:	
Application No. 11/033,307	:	DECISION ON PETITION
Filed: January 12, 2005	:	TO WITHDRAW
Attorney Docket No. 006582.00005	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 23, 2005.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to Christopher R. Glembocki and all attorneys/agents of record has been revoked by the assignee of the patent application on February 27, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the 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: Harness, Dickey & Pierce, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303

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QUARLES & BRADY LLP
33 E. MAIN ST, SUITE 900
P.O. BOX 2113
MADISON WI 53701-2113

COPY MAILED

OCT 26 2007

OFFICE OF PETITIONS

In re Application of	:	
Thomson, James A.	:	
Application No. 11/033,335	:	ON PETITION
Filed: January 11, 2005	:	
Attorney Docket No. 960296.00244	:	

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

The petition is **GRANTED.**

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

This matter is being referred to Technology Center 1600 for further examination.

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

Liana Walsh
Petitions Examiner
Office of Petitions

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MAR 2 0 2006

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

In re Application of :
J. Stuart Cumming :
Serial No.: 11/033,350 : DECISION ON PETITION
Filed: January 10, 2005 :
For: Intraocular Lenses With Fixated Haptics:

This is in response to applicants' petition filed March 21, 2005 to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

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

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

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

Frederick R. Schmidt, Director
Technology Center 3700

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APPLIED MATERIALS/BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 04/21/2010

Applicant	: John M. Yamartino	: DECISION ON REQUEST FOR
Patent Number	: 7624003	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/033,363	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1260** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MORGAN, LEWIS & BOCKIUS LLP (SF)
One Market, Spear Street Tower, Suite 2800
San Francisco CA 94105

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OCT 16 2009

OFFICE OF PETITIONS

In re Patent No. 7,338,933
Issue Date: March 4, 2008
Application No. 11/033,365
Filed: January 10, 2005
Attorney Docket No. 101961-5138-US

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed September 11, 2009.

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) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/033,366	01/11/2005	2681	1000	678-1621 (P11673)	11	7	2

CONFIRMATION NO. 6131

28249
DILWORTH & BARRESE, LLP
333 EARLE OVINGTON BLVD.
UNIONDALE, NY 11553

CORRECTED FILING RECEIPT

OC000000017243171

Date Mailed: 10/13/2005

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

Applicant(s)

Jeong-Hoon Park, Yongin-si, KOREA, REPUBLIC OF;
Yun-Sang Park, Suwon-si, KOREA, REPUBLIC OF;

Assignment For Published Patent Application

SAMSUNG ELECTRONICS CO., LTD., Suwon-si, KOREA, REPUBLIC OF

Power of Attorney: The patent practitioners associated with Customer Number **28249**.

Domestic Priority data as claimed by applicant

Foreign Applications

REPUBLIC OF KOREA 8990/2004 11/02/2004

If Required, Foreign Filing License Granted: 02/28/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/033,366

Projected Publication Date: 05/04/2006

Non-Publication Request: No

Early Publication Request: No

Title

Method for controlling an operation mode of a mobile terminal in a broadband wireless access communication system

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.

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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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NIXON PEABODY, LLP
401 9TH STREET NW
SUITE 900
WASHINGTON, DC 20004-2128

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OCT 23 2007

OFFICE OF PETITIONS

In re Application of :
Hiroki Adachi et al :
Application No. 11/033,380 : DECISION GRANTING PETITION
Filed: January 12, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 740756-2804 :

This is a decision on the petition, filed October 19, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on October 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 2818 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\Oct11\033380.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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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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SUITE 370
ALEXANDRIA VA 22314

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JAN 2 7 2006

TECHNOLOGY CENTER 2100

In re Application of: MIKAMI
Application No. 11/033,402
Filed: January 12, 2005
For: METHOD FOR MANAGING A STORAGE SYSTEM

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

This is a response to the petition filed 22 June 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 22 June 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 petition identifies a numbered feature for each independent claim. The petition states that the cited references fail to teach or suggest these features "in combination with the other limitations recited in each of the independent claims" (pages 3-16 of the petition). This statement in effect states that the entirety of the independent claim is not disclosed by the reference. A statement that the entirety of each independent claim is not disclosed by the references purported to be "most closely related" is not a sufficient detailed description as to anticipation. The petitions fail to point out which particular feature or features are not shown by the references such that the claims are not anticipated. I.e., regarding anticipation, stating that the references fail to show the claim in its entirety is simply a general allegation that does not comply with the requirements of 37 CFR 1.111(b) and (c).

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

Petition to Make Special **DISMISSED**.

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

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

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

ds

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1800 Diagonal Road
Suite 370
Alexandria, VA 22314

MAILED

MAR 2 3 2006

TECHNOLOGY CENTER 2100

In re Application of:
S. MIKAMI, et al.
Application No. 11/033,402
Filed: January 12, 2005
For: METHOD FOR MANAGING A STORAGE SYSTEM

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the renewed petition, filed on 14 February 2006 under 37 C.F.R. §102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination, to make the above-identified application special.

The petition is **GRANTED**.

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

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

Applicant's submissions of 22 June 2005 and 14 February 2006 meet all the criteria set out above. Accordingly, the petition is **GRANTED**. The application file is being forwarded to the Examiner for accelerated examination in accordance with M.P.E.P. § 708.02. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. § 1309.

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

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Morgan, Lewis & Bockius LLP/Google
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto, CA 94306

Mail Date: 04/20/2010

Applicant	: Bjorn Marius Aamodt Eriksen	: DECISION ON REQUEST FOR
Patent Number	: 7600028	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/033,411	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1275** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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HICKMAN PALERMO TRUONG & BECKER LLP/Yahoo! Inc.
2055 Gateway Place
Suite 550
San Jose, CA 95110-1083

Mail Date: 04/21/2010

Applicant	: Reiner Kraft	: DECISION ON REQUEST FOR
Patent Number	: 7603349	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/033,417	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **182** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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HICKMAN PALERMO TRUONG & BECKER LLP/Yahoo! Inc.
2055 Gateway Place
Suite 550
San Jose, CA 95110-1083

Mail Date: 05/18/2010

Applicant : Reiner Kraft
Patent Number : 7603349
Issue Date : 10/13/2009
Application No: 11/033,417
Filed : 01/10/2005

: 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 **277** 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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IBM CORPORATION
IPLAW SHCB/40-3
1701 NORTH STREET
ENDICOTT, NY 13760

Mail Date: 04/20/2010

Applicant	: Kevin David Himberger	: DECISION ON REQUEST FOR
Patent Number	: 7657942	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/033,436	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1424** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

Mail Date: 04/21/2010

Applicant	: Paul Chinn	: DECISION ON REQUEST FOR
Patent Number	: 7608241	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/033,439	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/12/2005	: 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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STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE, CA 92618

Mail Date: 04/21/2010

Applicant	: Ioana M. Rizoiu	: DECISION ON REQUEST FOR
Patent Number	: 7620290	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/033,441	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **439** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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BOZICEVIC, FIELD & FIELD
& FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO, CA 94303

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APR 30 2007

OFFICE OF PETITIONS

In re Application of
Daniel H. KIM
Application No. 11/033,452
Filed: January 10, 2005
Attorney Docket No. STAN-387CIP2

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 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 Karl Bozicevic on behalf of all attorneys of record who are associated with customer No. 24507.

All attorneys/agents of record have been withdrawn.

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

All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

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

There are no Office actions pending at the present time.

April Wise
Petitions Examiner
Office of Petitions

cc: DANIEL H. KIM
156 PACCHETTI WAY
MOUNTAIN VIEW, CA 94040

cc: MAYER & WILLIAMS PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD, NJ 07090

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/033,452	01/10/2005	Daniel H. Kim	STAN-387CIP2

CONFIRMATION NO. 7706

OC000000023563479

24353
BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO, CA 94303

Date Mailed: 04/26/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/19/2007.

- 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.

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

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VertiFlex, Inc.
Perkins Coie, LLP
P.O. Box 1247
Seattle, WA 98111-1247

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OFFICE OF PETITIONS

In re Application of	:	
Daniel H. Kim	:	
Application No. 11/033,452	:	DECISION ON PETITION
Filed: January 10, 2005	:	TO WITHDRAW
Attorney Docket No. VFX01-20001.02	:	FROM RECORD
	:	

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 11, 2010.

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 all attorneys/agents associated with customer number 81910 have been revoked by the assignee of the patent application on January 19, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Perkins Coie, LLP
Patent-SEA
P.O. Box 1247
Seattle, WA 98111-1247

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Paper No.

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

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OFFICE OF PETITIONS

In re Application of :
Masuda et al. :
Application No. 11/033,466 : ON APPLICATION FOR
Filed: January 11, 2005 : PATENT TERM ADJUSTMENT
Atty Docket No. 047940-0245 :
Title: METHODS AND :
COMPOSITIONS FOR TREATING, :
INHIBITING AND REVERSING :
DISORDERS OF THE :
INTERVERTEBRAL DISC :

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705," filed January 20, 2009. Applicant submits that the correct patent term adjustment to be indicated on the patent is four hundred and twenty-five (425) days, not two hundred and eighty (280) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent.

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

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of

issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

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

Rather than file 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).

---

[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.

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

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

Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

MAILED

JUN 21 2010

OFFICE OF PETITIONS

In re Patent No. 7,585,848	:	DECISION ON REQUEST
Masuda et al.	:	FOR
Issue Date: September 8, 2009	:	RECONSIDERATION OF
Application No. 11/033,466	:	PATENT TERM ADJUSTMENT
Filed: January 11, 2005	:	and
Atty Docket No. 047940-0245	:	NOTICE OF INTENT TO ISSUE
	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on September 15, 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 five hundred and thirty-six (536) 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 five hundred and thirty-five (535) days is **GRANTED to the extent indicated herein.**

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

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on January 12, 2008 and ends on June 3, 2008, the day before the first RCE was filed, which amounts to 144 (not 145)

days. See U.S.C. 154(b)(1)(B)(i). As such, the patent term adjustment is 535, not 536 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 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 **five hundred and thirty-five (535) days.**

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

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 : 7,585,848 B2

DATED : **September 8, 2009** **DRAFT**

INVENTOR(S) : Masuda 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 391 days

Delete the phrase "by 391 days" and insert – by 535 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

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

VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO CA 95014

COPY MAILED
OCT 30 2006
OFFICE OF PETITIONS

In re Application of :
Kim :
Application No. 11/033,467 : DECISION ON PETITION
Filed: 7 January, 2005 :
Attorney Docket No. BEKAP007C1 :

This is a decision on the petition filed on 25 July, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 21 July, 2006, for failure to timely submit the issue fee as required by the Notice of Allowance and Fee(s) Due mailed on 20 April, 2006, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on 10 August, 2006.

Receipt of the issue fee is acknowledged.

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

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

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

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

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

The statement contained in the instant petition does not set forth that the entire delay from the due date of the required reply to the date of the filing of a grantable petition was unintentional as required by 37 CFR 1.137(b)(3). However, the statement contained in the instant petition is being so construed. Petitioner **must** notify the Office if this is not a correct interpretation.

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.[2] 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.

It is noted that the power of attorney and change of correspondence address does not revoke the prior attorneys. Additionally, change of correspondence address and power of attorney cannot be accepted in that the chain of title from the inventor to the current assignee is not clearly specified. It is recommended that petitioner utilize the enclosed statement under 37 CFR 3.73(b) form along with a revocation and power of attorney. A courtesy copy of this decision will be mailed to the address listed in the petition. All future correspondence, however, will be mailed solely to the address of record.

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

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[2] 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).

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

cc: QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

Encl: PTO/SB/82
PTO/SB/96

PTO/SB/82 (01-06)
Approved for use through 12/31/2008. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	
Filing Date	
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☐ I hereby appoint the practitioners associated with the Customer Number: ☐

☐ Please change the correspondence address for the above-identified application to:

☐ The address associated with Customer Number: ☐

OR

☐ Firm *or* Individual Name			
Address			
City		State	Zip
Country			
Telephone		Email	

I am the:

☐ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature			
Name			
Date		Telephone	

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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.

PTO/SB/96 (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: _____

Application No./Patent No.: _____ Filed/Issue Date: _____

Entitled:

_____, a _____
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or

2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____%)

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ As required by 37 CFR 3.73(b)(1)(i), 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 37 CFR 3.11.

[NOTE: A separate copy (*i.e.*, a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

_____ _____
Signature Date

_____ _____
Printed or Typed Name Telephone Number

_____
Title

This collection of information is required by 37 CFR 3.73(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 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

COPY MAILED

JUN 0 2 2009

OFFICE OF PETITIONS

In re Application of :
Robert LaDuca et al. :
Application No. 11/033,479 : DECISION ON PETITION
Filed: January 10, 2005 : TO WITHDRAW
Attorney Docket No. DEMP-001 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 26, 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 Karl Bozicevic and all attorneys/agents of record has been revoked by the assignee of the patent application on August 28, 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: Levine Bagade Han, LLP
2400 Geng Road, Suite 120
Palo Alto, CA 94303

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/033,482	01/10/2005	2671	2230	021751-005920US	15	30	6

CONFIRMATION NO. 7390

CORRECTED FILING RECEIPT

OC000000017507092

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Date Mailed: 11/22/2005

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)

Per H. Christensen, Edmunds, WA;
Julian Fong, Seattle, WA;
David M. Laur, Seattle, WA;
Dana Batali, Bainbridge Island, WA;

Assignment For Published Patent Application

Pixar, Emeryville, CA

Power of Attorney: The patent practitioners associated with Customer Number **20350**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/544,536 02/12/2004
and claims benefit of 60/602,779 08/18/2004
and is a CIP of PCT/US04/30560 09/17/2004

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 US11/033,482

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Flexible and modified multiresolution geometry caching based on ray differentials

Preliminary Class

345

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

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

CELINE JIMENEZ CROWSON
HOGAN & HARTSON, L.L.P.
555 THIRTEENTH STREET, N.W.
WASHINGTON, DC 20004-1109

COPY MAILED

AUG 1 8 2005

OFFICE OF PETITIONS

In re Application of	:	
Acharya et al.	:	
Application No. 11/033,487	:	DECISION GRANTING
Filed: January 12, 2005	:	STATUS UNDER
Attorney Docket No.	:	37 CFR 1.47(a)
82001-0409	:	

This is in response to a Petition Under 37 CFR §1.47(a), filed June 28, 2005, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor.

The petition is **granted**.

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

Petitioner has shown that the non-signing inventor, Vikas Sabnani, refuses to join in the application.

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

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

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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MR. VIKAS SABNANI
1055 E. EVELYN AVENUE
SUNNYVALE, CA 94086-6776

COPY MAILED

AUG 18 2005

OFFICE OF PETITIONS

In re Application of :
Acharya et al. :
Application No. 11/033,487 :
Filed: January 12, 2005 : LETTER
Attorney Docket No. :
82001-0409 :

Dear Mr. Sabnani:

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

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

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

Derek L. Woods
Attorney
Office of Petitions

cc: CELINE JIMENEZ CROWSON
HOGAN & HARTSON, L.L.P.
555 THIRTEENTH STREET, N.W.
WASHINGTON, DC 20004-1109

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DEC 21 2005

Olds, Maier & Richardson
PO Box 20245
Alexandria, VA 22320-1245

In re Application of:
Monty
Serial No.: 11/033,495
Filed: January 12, 2005
Attorney Docket No.: **LL-0110-US**

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed February 24, 2005.

The request is **DISMISSED** as moot.

A review of the application file record reveals that the law firm of Olds, Maier & Richardson, PLLC, were never properly appointed as attorneys for the applicant. Although the law firm Olds, Maier & Richardson, PLLC, was designated to receive the correspondence from the Patent and Trademark Office, there were no attorneys appointed until the power of attorney filed by the assignee on March 21, 2005. Accordingly, the present request is moot, and must be dismissed.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant. The power of attorney filed March 21, 2005 appointed the attorneys of customer no. 23117 (i.e. the attorneys of Nixon & Vanderhye, PC).

Inquiries related to 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

cc: Nixon & Vanderhye, PC
901 North Glebe Rd.
11th Floor
Arlington, VA 22203

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 2 8 2009

OFFICE OF PETITIONS

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

In re Patent of Hatano
Patent No. 7,502,012
Issue Date: May 10, 2009
Application No. 11/033,501
Filing Date: January 11, 2005
Attorney Docket No. 9281-5001 (J US03192)

DECISION ON APPLICATION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

This is in response to the "Request for Reconsideration of Patent Term Adjustment" filed May 11, 2009. Patentee requests the determination of patent term adjustment indicated on the patent be corrected from five hundred thirty-four (534) days to seven hundred thirty-three (733) days.

The request for reconsideration of the patent term adjustment indicated on the patent is **dismissed**.

On May 10, 2009, the application matured into United States Patent No. 7,502,012 with a revised patent term adjustment of 534 days. This request for reconsideration was timely filed within two months of the issue date of the patent. See 37 CFR 1.705(d).

Patentee requests recalculation of the patent term adjustment. Patentee contends the total patent term adjustment should be 733 days, which is the sum of 199 days of delay in the issuance of the patent ("Three Year Delay")[1] and 566 days of other types of Office delay ("Examination Delay")[2] reduced by 32 days of Applicant Delay.

The Office does not agree with patentee's calculation of the patent term adjustment because the calculation fails to consider the overlap between the Three Year Delay and the Examination Delay.

[1] The period of adjustment under 37 C.F.R. § 1.702(b) is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. § 1.111(a) or the national stage commenced under 35 U.S.C. § 371(b) or (f) in an international application and ending on the date the patent was issued. The period of adjustment does not include any time period falling under 35 U.S.C. § 154(b)(1)(B)(i)-(iii).

[2] "Examination Delay," as used in this decision, references delay under 35 U.S.C. §§ 154(b)(1)(A) and (B).

The fact delay has accumulated under 35 U.S.C. § 154(b)(1)(B) will not automatically result in additional patent term. The total amount of adjustment one can receive as a result of delay under 35 U.S.C. § 154(b)(1) is limited by 35 U.S.C. § 154(b)(2)(A) which states,

> To the extent that time periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

The Office has described its position regarding the proper interpretation of 35 U.S.C. § 154(b)(2)(A) as follows:

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment.[3]

The relevant time period when determining if periods of delay "overlap" in this case is the time period from the filing date of the application, January 11, 2005, to the date the RCE was filed, July 28, 2005.[4] In this case, all the Examination Delay of 566 days occurred prior to the filing of the RCE. In other words, the period of delay of 199 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 566 days attributable to grounds specified in 37 C.F.R. § 1.702(a)(1). Therefore, the Office acted properly when the Office did not, when issuing the patent, enter any additional days to the patent term adjustment for Three Year Delay.

In view of the previous discussion, the patent term adjustment remains 534 days.

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[3] *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004) (*quoting Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704, 21706 (April 22, 2004)). The Notice also provided a discussion of an example of the application of the overlap provision:

> A two month delay in issuing a first Office action (35 U.S.C. 154(b)(1)(A)(i)) and a two-month delay in issuing the patent (35 U.S.C. 154(b)(1)(B)) [are] considered overlapping delays, even though the two-month delay in issuing the first Office action occurred prior to three years (thirty-six months) after the application's filing date. This is because if the Office does not issue the patent until three years and two months (thirty-eight months) after its filing date, the relevant period in determining the Office delay in issuing the patent is not just the period between three years (thirty-six months) after the application's filing date and the date the patent issues (thirty-eight months after the application's filing date), but is the entire period between the application's filing date and the date the application issues.

[4] The instant case does not contain any time periods falling under 35 U.S.C. § 154(b)(1)(B)(ii)-(iii).

The $200.00 fee set forth in 37 CFR 1.18(e) has been charged to Deposit Account No. 23-1925 as authorized in the request. This fee is required and will not be waived.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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P.O. Box 1450
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PETER N. LALOS
STEVENS, DAVIS, MILLER & MOSHER, LLP
SUITE 850
1615 L STREET, N. W.
WASHINGTON, DC 20036-5622

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JUL 01 2010

OFFICE OF PETITIONS

In re Application of :
Anthony E. Boroch, et al. :
Application No. 11/033,510 : DECISION ON PETITION
Filed: January 12, 2005 :
Attorney Docket No.: 7231 :

This is a decision on the petition, filed May 10, 2010, requesting, in effect, withdrawal of the holding of abandonment of the above-identified application under the provisions 37 CFR 1.181 (no fee).

There is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Peter N. Lalos appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **DISMISSED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed October 9, 2009, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on January 10, 2010. This decision precedes the mailing of a Notice of Abandonment.

Petitioner indicates that the Office action of October 9, 2009 was not received by petitioner. Petitioner explains that a change of correspondence address denoting the correct correspondence address with respect to the subject application was first filed electronically on April 28, 2008 and secondly filed electronically on June 24, 2008. In support, petitioner submits copies of the notifications, as well as the acknowledgement receipts therefor.

A review of the record confirms that the respective requests to change the correspondence addresses were filed. However, neither of the requests to change the correspondence address was sign by a proper party in accordance with 37 CFR 1.33. Petitioner is reminded that 37 CFR 1.33(a)(1) provides that the party filing the application and setting forth a correspondence address

may later change the correspondence address provided that an executed oath or declaration under 37 CFR 1.63 by any of the inventors has not been filed. However, under 37 CFR 1.33(a)(2), where an executed oath or declaration under 37 CFR 1.63 has been filed by any of the inventors, the correspondence address may be changed by (A) a patent practitioner of record, (B) an assignee as provided for under 37 CFR 3.71(b), or (C) all of the applicants (37 CFR 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with 37 CFR 3.71. See 37 CFR1.33(a)(2).

Since an executed declaration was submitted on filing, any request to change the correspondence address had to be filed by a patent practitioner of record, an assignee, of all of the applicants. Consequently, the Office action of October 9, 2009 was, in fact, mailed to the correct address of record at the time.

Pursuant to 35 U.S.C. 133, "[u]pon 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 application, or within such shorter time, not less than thirty days, as fixed by the Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to satisfactory of the Director that such delay was unavoidable.

This application was properly held abandoned by operation of law and will remain abandoned until petitioner takes some other action in the above application to continue prosecution.

Petitioner may consider filing a petition under 37 CFR 1.137(a) to revive an unavoidably abandoned application or a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application, instead of filing a renewed petition under 37 CFR 1.181. Petition is reminded that the mere suggestion that a petition under the provisions of 137(a) or 1.137(b) be filed does not necessarily mean that any petition will be granted, since the petition must comply with the respective requirements set forth below.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

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).

Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By Internet:	EFS-Web[1]

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 16 2005

TECHNOLOGY CENTER 3600

LITMAN LAW OFFICES, LTD.
P.O. BOX 15035
CRYSTAL CITY STATION
ARLINGTON, VA 22215

In re application of : **DECISION ON PETITION**
Jay R. Kelley : **TO MAKE SPECIAL**
Application No. 11/033,512 : **(APPLICANT'S AGE)**
Filed: January 12, 2005 :
For: SNAP-IN-PLACE BUILDING BLOCK

This is a decision on the petition submitted on January 12, 2005 under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section IV: Applicant's Age.

The petition is **GRANTED**.

An application may be accorded special status upon the filing of a petition providing evidence showing that the applicant is at least 65 years old. Such a showing may be provided by evidence such as a birth certificate or a statement from the applicant.

The evidence submitted with the petition is a signed declaration indicating Mr. Kelley is at least 65 years of age.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

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

Kenneth J. Dorner
Special Programs Examiner
Technology Center 3600
(703) 308-0866

KJD/slb: 03/04/05

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COMMISSIONER FOR PATENTS
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BARDMESSER LAW GROUP, P.C.
910 17TH STREET NW
SUITE 800
WASHINGTON DC 20006

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SEP 22 2006
OFFICE OF PETITIONS

In re Application of :
Pristup et al. :
Application No. 11/033,513 : DECISION ON PETITIONS
Filed: 12 January, 2005 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 2310.0020003 : AND 37 CFR 1.55(c)

This is a decision on the petition filed on 6 July, 2006, which is treated as petitions filed under 37 CFR 1.78(a)(3) and 37 CFR 1.55(c), to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional applications, and under 35 U.S.C. § 119(a)-(d) for the benefit of priority to a prior-filed foreign application, as set forth in the concurrently filed amendment.

As to the benefit claim under 37 CFR 1.78(a)(3):

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

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

All requirements being met, the petition to accept an unintentionally delayed claim for benefit of priority to the prior-filed nonprovisional applications under 35 U.S.C. § 120 is **GRANTED.**

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt

accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

As to the benefit claim under 37 CFR 1.55(c):

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, **and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6);**
(3) the surcharge as set forth in 37 CFR 1.17(t);
(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Director may require additional information where there is a question whether the delay was unintentional); and
(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The petition under 37 CFR 1.55(c) is **DISMISSED**.

The petition fails to comply with item (2) above. In this regard, a review of the file record fails to disclose that the priority information was included in an oath or declaration or in an Application Data Sheet (ADS) in accordance with 37 CFR 1.76(b)(6). Unless provided in an ADS, 37 CFR 1.63(c)(2) requires that the oath or declaration must identify the foreign application for patent (or inventor's certificate) for which priority is claimed under 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing. *Note* MPEP 201.14.

In view of the above, compliance with 37 CFR 1.63(c)(2) or 37 CFR 1.76(b)(6) must be satisfied if applicant desires to claim priority to the foreign application noted in the petition. Any future petition should include a cover letter and be entitled "Renewed Petition under 37 CFR 1.55(c)."

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

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

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

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

Any questions concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Frances Hicks
Lead Paralegal
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/033,513	01/12/2005	2856	800	2310.0020003/EJK/GSB	7	17	4

CONFIRMATION NO. 7359

54089
BARDMESSER LAW GROUP, P.C.
910 17TH STREET, N.W.
SUITE 800
WASHINGTON, DC 20006

CORRECTED FILING RECEIPT

OC000000020475506

Date Mailed: 09/18/2006

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

Applicant(s)

Alexander G. Pristup, Novosibirsk, RUSSIAN FEDERATION;
Yuri I. Romanov, Novosibirsk, RUSSIAN FEDERATION;

Assignment For Published Patent Application

Innalabs Technologies, Inc.

Power of Attorney: The patent practitioners associated with Customer Number **54089**.

Domestic Priority data as claimed by applicant

This application is a CIP of 10/980,791 11/04/2004
and is a CIP of 11/006,567 12/08/2004
and is a CIP of 10/992,289 11/19/2004
and is a CIP of 11/010,329 12/14/2004
and claims benefit of 60/616,849 10/08/2004
and claims benefit of 60/614,415 09/30/2004
and claims benefit of 60/613,723 09/29/2004
and claims benefit of 60/612,227 09/23/2004
and is a CIP of 10/836,186 05/03/2004 PAT 6,985,134
which is a CON of 10/209,197 08/01/2002 PAT 6,731,268
which is a CON of 09/511,831 02/24/2000 PAT 6,466,200

Foreign Applications

If Required, Foreign Filing License Granted: 03/02/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is
US11/033,513

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Magnetofluidic accelerometer with partial filling of cavity with magnetic fluid

Preliminary Class

073

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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

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AUG 07 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

Robert E. Bushnell
Suite 300
1522 K Street, N.W.
Washington DC 20005

In Re Application of :
KWON, IL-WON :
Application Serial No. 11/033,536 :
Filed: January 12, 2005 :
For: **CONTROLLING PACKET CONGESTION** :

DECISION
ON PETITION

This is a decision on the petition, under 37 C.F.R. §1.181, filed on January 15, 2008 requesting the withdrawal of applicant's written Amendment timely filed via facsimile transmission on the 14th January 2008, to accord applicant an extension of time upon applicant timely filing of the substitute Amendment and the petition for extension of time together with requisite fee at the later day.

In support of the petition, petitioner submits as a statement of facts the following:

1. Applicant's under assigned attorney prepared an Amendment for review by the inventor, and forwarded that draft of the Amendment to the inventor.
2. The inventor has received and commented upon the draft Amendment, but has, as of the 14th January 2008, instructed applicant's under assigned attorney to obtain the extension of time in order to afford the inventor additional time to complete his translation and study of the draft of the Amendment and the prior art.
3. Inadvertently, and through error by the applicant's under assigned attorney, on the 14th of January 2008 the draft Amendment was filed via facsimile transmission in the U.S. PTO, without having accorded inventor the additional time which inventor requested.
4. This petition was submitted prepared and filed by facsimile transmission and by the courier in the mail room of U.S.PTO.

The office does not recognize the filing of a substitute amendment as a proper response to an office action.

37 CFR § 1.111 states:

> § 1.111 Reply by applicant or patent owner to a non-final Office action.
> (a)
> (1) If the Office action after the first examination (§ 1.104) is adverse in any respect, the applicant or patent owner, if he or she persists in his or her application for a patent or reexamination proceeding, must

reply and request reconsideration or further examination, with or without amendment. See §§ 1.135 and 1.136 for time for reply to avoid abandonment.
(2) Supplemental replies . (i) A reply that is supplemental to a reply that is in compliance with § 1.111(b) will not be entered as a matter of right except as provided in paragraph (a)(2)(ii) of this section. The Office may enter a supplemental reply if the supplemental reply is clearly limited to:

(A) Cancellation of a claim(s);
(B) Adoption of the examiner suggestion(s);
(C) Placement of the application in condition for allowance;
(D) Reply to an Office requirement made after the first reply was filed;
(E) Correction of informalities (e.g., typographical errors); or
(F) Simplification of issues for appeal.
(ii) A supplemental reply will be entered if the supplemental reply is filed within the period during which action by the Office is suspended under § 1.103(a) or (c).
(b) In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to
render the claims, including any newly presented claims, patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout to be a bona fide attempt to advance the application or the reexamination proceeding to final action. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.
(c) In amending in reply to a rejection of claims in an application or patent under reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. The applicant or patent owner must also show how the amendments avoid such references or objections.

A review of the file record indicates on January 14, 2008 the applicant properly filed an amendment. On February 15, 2008 applicant filed a second amendment along with the appropriate request for a one month extension of time. In accordance with 37 CFR § 1.111, the amendment filed February 15, 2008 will be treated as a Supplemental amendment to the amendment filed January 14, 2008.

MPEP 714.03(a) states:

The Office may enter a supplemental reply if the supplemental reply is clearly limited to:
(A) cancellation of a claim;
(B) adoption of the examiner 's suggestions;
(C) placement of the application in condition of allowance;
(D) reply to an Office requirement made after the first reply was filed;
(E) correction of informalities (e.g., typographical errors); or
(F) simplification of issues for appeal.

When a supplemental reply is filed in sufficient time to be entered into the application before the examiner considers the prior reply, the examiner may approve the entry of the supplemental reply if, after a cursory review, the examiner determines that the supplemental reply is limited to one of the situations set forth above. This list is not exhaustive. The examiner has the discretion to approve the entry of a supplemental reply that is not listed above.

Furthermore MPEP 719 states:

> (Q) A supplemental reply is not entered as a matter of right unless it is filed during a suspension period under 37 CFR 1.103(a) or (c). See 37 CFR 1.111(a)(2) and MPEP § 714.03(a).
> While amendments falling within any of the foregoing categories should not be entered by the examiner at the time of filing, a subsequent showing by applicant may lead to entry of the amendment.

In reviewing the petition, Applicant has provided a subsequent showing why a second amendment should be entered.

Accordingly, the petition is **DISMISSED**.

The amendment filed January 14, 2008 will not be withdrawn. However, the Supplemental amendment filed February 17, 2008 will be entered based upon subsequent showing by applicant. The file is being forwarded to the examiner for action on the merits based upon the amendment filed February 17, 2008 which supercedes the amendment filed January 14, 2008.

Valencia Martin-Wallace, Director
Technology Center 2600
Communications

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DIRECTOR'S OFFICE
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Robert E. Bushnell
Suite 300
1522 K Street, N.W.
Washington DC 20005

In Re Application of :
KWON, IL-WON :
Application Serial No. 11/033,536 :
Filed: January 12, 2005 :
For: **CONTROLLING PACKET CONGESTION** :

DECISION
ON PETITION

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1. Applicant's under assigned attorney prepared an Amendment for review by the inventor, and forwarded that draft of the Amendment to the inventor.
2. The inventor has received and commented upon the draft Amendment, but has, as of the 14th January 2008, instructed applicant's under assigned attorney to obtain the extension of time in order to afford the inventor additional time to complete his translation and study of the draft of the Amendment and the prior art.
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4. This petition was submitted prepared and filed by facsimile transmission and by the courier in the mail room of U.S.PTO.

The office does not recognize the filing of a substitute amendment as a proper response to an office action.

37 CFR § 1.111 states:

> § 1.111 Reply by applicant or patent owner to a non-final Office action.
> (a)
> (1) If the Office action after the first examination (§ 1.104) is adverse in any respect, the applicant or patent owner, if he or she persists in his or her application for a patent or reexamination proceeding, must

reply and request reconsideration or further examination, with or without amendment. See §§ 1.135 and 1.136 for time for reply to avoid abandonment.

(2) Supplemental replies . (i) A reply that is supplemental to a reply that is in compliance with § 1.111(b) will not be entered as a matter of right except as provided in paragraph (a)(2)(ii) of this section. The Office may enter a supplemental reply if the supplemental reply is clearly limited to:

(A) Cancellation of a claim(s);
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(D) Reply to an Office requirement made after the first reply was filed;
(E) Correction of informalities (e.g., typographical errors); or
(F) Simplification of issues for appeal.

(ii) A supplemental reply will be entered if the supplemental reply is filed within the period during which action by the Office is suspended under § 1.103(a) or (c).

(b) In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to
render the claims, including any newly presented claims, patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout to be a bona fide attempt to advance the application or the reexamination proceeding to final action. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.

(c) In amending in reply to a rejection of claims in an application or patent under reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. The applicant or patent owner must also show how the amendments avoid such references or objections.

A review of the file record indicates on January 14, 2008 the applicant properly filed an amendment. On February 15, 2008 applicant filed a second amendment along with the appropriate request for a one month extension of time. In accordance with 37 CFR § 1.111, the amendment filed February 15, 2008 will be treated as a Supplemental amendment to the amendment filed January 14, 2008.

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The Office may enter a supplemental reply if the supplemental reply is clearly limited to:
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(F) simplification of issues for appeal.

When a supplemental reply is filed in sufficient time to be entered into the application before the examiner considers the prior reply, the examiner may approve the entry of the supplemental reply if, after a cursory review, the examiner determines that the supplemental reply is limited to one of the situations set forth above. This list is not exhaustive. The examiner has the discretion to approve the entry of a supplemental reply that is not listed above.

Furthermore MPEP 719 states:

> (Q) A supplemental reply is not entered as a matter of right unless it is filed during a suspension period under 37 CFR 1.103(a) or (c). See 37 CFR 1.111(a)(2) and MPEP § 714.03(a).
> While amendments falling within any of the foregoing categories should not be entered by the examiner at the time of filing, a subsequent showing by applicant may lead to entry of the amendment.

In reviewing the petition, Applicant has provided a subsequent showing why a second amendment should be entered.

Accordingly, the petition is **DISMISSED**.

The amendment filed January 14, 2008 will not be withdrawn. However, the Supplemental amendment filed February 17, 2008 will be entered based upon subsequent showing by applicant. The file is being forwarded to the examiner for action on the merits based upon the amendment filed February 17, 2008 which supercedes the amendment filed January 14, 2008.

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

Mail Date: 05/20/2010

Applicant	: Il-Won Kwon	: DECISION ON REQUEST FOR
Patent Number	: 7636308	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/033,536	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1171** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 04/20/2010

Applicant	: Martin Hansen	: DECISION ON REQUEST FOR
Patent Number	: 7599507	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/033,564	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1272** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

Mail Date: 04/20/2010

Applicant	: Richard Finch Dean	: DECISION ON REQUEST FOR
Patent Number	: 7590383	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/033,597	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1068** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of :
NIWANO, KAZUHITO :
Application No. 11/033,618 : DECISION ON PETITION
Filed: January 13, 2005 : TO MAKE SPECIAL
For: **MOBILE STATION, BASE STATION, COMMUNICATION SYSTEM, AND COMMUNICATION METHOD** :

This is a decision on the petition filed March 30, 2005 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

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

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

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

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

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APR 14 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of :
NIWANO, KAZUHITO :
Application No. 11/033,639 : DECISION ON PETITION
Filed: January 13, 2005 : TO MAKE SPECIAL
For: **MOBILE STATION, BASE STATION, COMMUNICATION SYSTEM, AND COMMUNICATION METHOD** :

This is a decision on the petition filed March 30, 2005 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:
(1) be filed prior to receiving any examination by the examiner,
(2) be accompanied by the required fee- $130,
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The petitioner meets all the above-listed requirements. Accordingly, the petition is **GRANTED**.

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

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
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FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

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OFFICE OF PETITIONS

In re Application of
Walter Parsadayan
Application No.11/033,645
Filed: January 12, 2005
Attorney Docket Number: 83088
Title of Invention: System and Method for Operating a Barrier with a Timer

DECISION ACCORDING STATUS UNDER 37 C.F.R. §1.47(b)

This is in response to the petition for status under 37 C.F.R. §1.47(b), filed September 30, 2005 (certificate of mailing September 28, 2005).

The petition is **GRANTED**.

Applicant has satisfied the requirements of §1.47(b)[1]. Applicant, by declaration of persons with first hand knowledge and documentary evidence, demonstrated that the non-signing inventor has refused to sign the declaration. This declaration has been reviewed and is found in compliance with 1.63 and 1.64. Applicant paid the petition fee and included a statement of the non-signing inventor's last known address in the petition. Proprietary interest in the application has been established.

This application is hereby accorded Rule 1.47(b) status.

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

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

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

Charlema R. Grant
Petitions Attorney
Office of Petitions

[1] A grantable petition under 37 C.F.R. §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 last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) proof of irreparable damage.

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Walter Parsadayan
21 Old Ranch Road
Laguna Niguel, California 92677

In re Application of
Walter Parsadayan
Application No.11/033,645
Filed: January 12, 2005
Attorney Docket Number: 83088
Title of Invention: System and Method for Operating a Barrier with a Timer

LETTER

COPY MAILED

NOV 2 1 2005

OFFICE OF PETITIONS

Dear Mr. Parsadayan :

You are named as the sole inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 118 (United States Code) and 37 CFR 1.47(b). Should a patent be granted on the application you will be designated therein as a co-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 Petitions Attorney Charlema R. Grant at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Charlema R. Grant
Petitions Attorney
Office of Petitions

FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO IL 60603-3406
ATTN: KENNETH H. SAMPLES

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

Karl M. Steins
Steins & Associates
Suite 120
2333 Camino del Rio South
San Diego CA 92108

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JAN 0 8 2007

OFFICE OF PETITIONS

In re Application of	:	
Jeff Zinger	:	
Application No. 11/033,671	:	
Filed: January 11, 2005	:	DECISION ON PETITION
Attorney Docket No. ZIN1-I43	:	UNDER 37 C.F.R. §1.181(A)
Title: ADJUSTABLE HARNESS TETHER	:	

This is a decision on the petition under 37 C.F.R. §1.181(a) to withdraw the holding of abandonment, filed on September 28, 2006.

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 March 3, 2005, which indicated that $105 was required to complete the search fee, and set a shortened statutory period for reply of two months. A response was received on March 22, 2005, but no payment was included. No further responses were 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 September 15, 2006.

With the present petition, Petitioner has included payment in the amount of $105, along with an attestation over his registration number that a credit card payment form was included with the response of March 22, 2005. Petitioner has further

included a one-page certificate of facsimile transmission, dated March 22, 2005.

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 response was timely submitted, pursuant to 37 C.F.R. §1.8.

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

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

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

UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date : 11/19/2009
Patent No. : 7,582,642 B2
Serial No. : 11/033,692
Inventor(s) : Fischer
Issue Date : September 1, 2009
Title : **NEW PURINE DERIVATIVES**
Doc./File No. : **CCI-038CN**

Re: Certificate of Correction

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

With respect to the omitted priority claim, section 201.14(b) of the Manual of Patent Examining Procedures, states that if the certified copy is presented in a parent application on file in the Patent and Trademark Office, it is not necessary to file an addition certified copy. However, it is clear that the Manual statement, in accordance with the statutory requirement, requires the filing of a claim of priority in the continuing application(s). Absent such a claim, statutory requirement have not been met. Therefore, no correction is in order here under Rules 1.322.

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

Further consideration will be given concerning this matter upon receipt of a request for **Reconsideration** (reconsideration should be accompanied by supporting document(s) such as, amendment, postcard receipt, 1449/892, etc.) and should be filed and directed to Decisions & Certificates of Correction Branch.

Ernest C. White, *LIE* (703) 756-1590
Mary F. Diggs, *Supervisor* (703) 756-1580
Decisions & Certificates of Correction Branch

LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON MA 02109

ecw

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HANLEY, FLIGHT & ZIMMERMAN, LLC
150 S. WACKER DRIVE
SUITE 2100
CHICAGO, IL 60606

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MAR 0 3 2008

OFFICE OF PETITIONS

In re Application of :
Bossemeyer, et al. : DECISION DISMISSING PETITION
Application No. 11/033,697 : UNDER 37 CFR 1.78(a)(3)
Filed: January 12, 2005 :
Attorney Docket No. AMT-9704C1 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed November 20, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional Application, No. 08/863,444, now U.S. Patent No. 6,076,055 issued June 13, 2000.

The petition is **dismissed**.

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

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

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

The issue fee in this case was paid on November 23, 2007. It is conceivable that the application will issue before either the filing or the granting of a renewed petition under 37 C.F.R. §1.78(a)(3). In such case, submission of a certificate of correction and fee of $100.00 will be required as a condition for granting the petition under 37 C.F.R. §1.78(a)(3).

Petitioner must submit a renewed petition under 37 CFR 1.78(a)(3), accompanied by a completed Certificate of Correction (with the $100.00 fee), which includes the benefit claim to the prior-filed nonprovisional application

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

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

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

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

Any questions concerning this matter may be directed to Petitions Attorney Kenya McLaughlin at (571) 272-3222.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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HANLEY, FLIGHT & ZIMMERMAN, LLC
150 S. WACKER DRIVE, SUITE 2100
CHICAGO, IL 60606

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MAY 13 2008

OFFICE OF PETITIONS

In re Application of
BOSSEMEYER, et al.
Application No. 11/033,697
Filed: January 12, 2005
Attorney Docket No. **AMT-9704C1**

: 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 May 9, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid on November 23, 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]

There is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, the signature of Mr. Felipe Hernandez appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts in accordance with 37 CFR 1.34(a).

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

This application is being referred to Technology Center AU 2626 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Monica A. Graves
Petitions Examiner
Office of Petitions

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

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AT&T Legal Department - ATTN. Patent Docketing
One AT&T Way
Room 2A-207
Bedminstor NJ 07921

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JAN 21 2009

In re Application of :
Bossemeyer, et al. :
Application No. 11/033,697 : DECISION ON PETITION
Filed: January 12, 2005 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. AMT-9704C1 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed March 20, 2008, and in supplement on September 17, 2008, to accept an unintentionally delayed claim under 35 U.S.C §120 for the benefit of priority to the prior –filed non-provisional applications set forth in the amendment filed concurrently with the instant petition.

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

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

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

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

All of the requirements being met, the petition to accept an unintentionally delayed claim for priority under 35 U.S.C. § 120 is **GRANTED**.

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

Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

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

It is noted that the address cited on the petition differs from the address of record. While a courtesy copy of this decision is being mailed to the address cited on the petition, all future correspondence will be mailed solely to the address cited on the petition until appropriate written instructions to the contrary are received.

Any inquiries concerning this decision may be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222. 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 2700, Art Unit 2748 for appropriate action on the amendment filed September 17, 2008, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. §120 to the prior-filed non-provisional applications.

Anthony Knight
Supervisor
Office of Petitions

Enclosure: Corrected Filing Receipt

cc:
Hanley Flight & Zimmerman, LLC
150 South Wacker Drive
Suite 2100
Chicago, IL 60606

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/033,697	01/12/2005	2626	1350	20103/A00349-1	21	3

CONFIRMATION NO. 6165

CORRECTED FILING RECEIPT

83417
AT&T Legal Department - ATTN. Patent Docketing
One AT&T Way
Room 2A-207
Bedminstor, NJ 07921

OC00000003010872I

Date Mailed: 01/06/2009

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)

Robert Wesley Bossemeyer JR., St. Charles, IL;
Rapeepat Ratasuk, Evanston, IL;

Power of Attorney: The patent practitioners associated with Customer Number 34431

Domestic Priority data as claimed by applicant

This application is a CON of 09/489,254 01/21/2000 PAT 6,931,375
which is a CON of 08/863,444 05/27/1997 PAT 6,076,055

Foreign Applications

If Required, Foreign Filing License Granted: 03/01/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/033,697**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

SPEAKER VERIFICATION METHOD

Preliminary Class

704

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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Patent No. : 7665978
Serial No. : 11/033728
Inventor(s) : Satoshi TAKATSUGI
Issued : February 23, 2010
Title : INJECTION MOLDING MACHINE HAVING A CENTERING DEVICE FOR CENTERING A NOZZLE HOLE
Docket No. : 392.1959

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.

The Amended Claims 1 and 2 of August 11, 2009 are not in accordance with the submitted Form 1050 in Column 9 Line 2 Claim 1 and Column 9 Line 25 Claim 2 there is a discrepancy a comma is added after the word member.

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

A Certificate of Correction will be issued to correct the remaining errors noted in your request.

Tasneem Siddiqui
For Mary Diggs (Supervisor)
Decisions & Certificates
of Correction Branch
(703) 756-1593 or (703) 756-1814
Date: 4/29/2010

Address: John C. Garvey
STAAS & HALSEY LLP
1201 New York Avenue, N.W
7th Floor
Washington, D.C. 20005

ts/md

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

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MAY 25 2007

OFFICE OF PETITIONS

In re Application of	:	
Tokuhiko Tamaki	:	
Application No. 11/033,729	:	DECISION GRANTING PETITION
Filed: January 13, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 71971-114	:	

This is a decision on the petition, filed May 24, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 15, 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 2891 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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FEB 02 2009

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McDermott Will & Emery LLP
DC Office

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

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MAY 25 2007

OFFICE OF PETITIONS

In re Application of	:	
Tokuhiko Tamaki	:	
Application No. 11/033,729	:	DECISION GRANTING PETITION
Filed: January 13, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 71971-114	:	

This is a decision on the petition, filed May 24, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 15, 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 2891 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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HOLLAND & HART, LLP
P.O BOX 8749
DENVER, CO 80201

Mail Date: 04/21/2010

Applicant	: William Dick	: DECISION ON REQUEST FOR
Patent Number	: 7581901	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/033,732	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **650** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

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JAN 25 2007

OFFICE OF PETITIONS

In re Application of	:	
Takemori et al.	:	
Application No. 11/033,734	:	ON PETITION
Filed: January 13, 2005	:	
Attorney Docket No. SEM-0003	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed November 22, 2006, to revive the above-identified application.

The petition is **GRANTED.**

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

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 04/20/2010

Applicant	: Naoki Matsuda	: DECISION ON REQUEST FOR
Patent Number	: 7665764	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/033,736	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **140** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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JENKENS & GILCHRIST
1401 MCKINNEY
SUITE 2600
HOUSTON TX 77010

COPY MAILED
SEP 22 2006
OFFICE OF PETITIONS

In re Application of	:	
Sharma	:	
Application No. 11/033,747	:	DECISION ON PETITION
Filed: January 13, 2005	:	TO WITHDRAW
Attorney Docket No. 95176571-002003	:	FROM RECORD
	:	

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 22, 2006.

The request is **NOT APPROVED**.

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

The 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. Furthermore, the request to withdraw attorneys was made to a customer number that was never appointed power of attorney under this customer number (i.e. 51738).

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 March 24, 2006.

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: BAKER & MCKENZIE LLP
PENNZOIL PLACE, SOUTH TOWER
711 LOUISIANA, SUITE 3400
HOUSTON, TX 77002-2716

cc: Dr. Yash Shama
43393 Cedar Pond Place
Chantilly, VA 20152

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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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

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APR 14 2005

OFFICE OF PETITIONS

In re Application of :
Brian Kenneth Bolton, Kevin Dean :
Sisken and Anne-Lise Grosmougin : DECISION REFUSING STATUS
Application No. 11/033,770 : UNDER 37 CFR 1.47(a)
Filed: January 12, 2005 :
For: METHOD FOR CONTROLLING ENGINE AIR/FUEL RATIO

This is in response to the "Petition Under 37 CFR 1.47(a)," filed March 28, 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 January 12, 2005 without an executed oath or declaration and naming Brian Kenneth Bolton, Kevin Dean Sisken and Anne-Lise Grosmougin as joint inventors.

Accordingly, on February 28, 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 March 28, 2005, the instant petition was filed.

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

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been

presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration 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 item (1), as set forth above.

As to item (1), petitioner appears to demonstrate that the non-signing inventor was only presented with the declaration and power of attorney and an assignment. Unless the non-signing inventor was presented with a copy of the application papers (specification, claims and drawings), the non-signing inventor could not attest that he has "reviewed and understands the application papers" and therefore could not sign the declaration which he was given. Accordingly, applicant failed to show or provide proof that the inventor has refused to sign the declaration. See MPEP 409.03(d). Petitioner should show that a copy of the application papers was presented to the non-signing inventor, but that he did not respond to, or refused, the request that he sign the oath/declaration in order to show that the inventor has refused to join in the application. The proof of the pertinent events should be made by a statement of someone with first hand knowledge of the events.

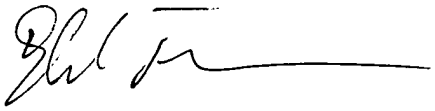
Further correspondence with respect to this matter should be addressed as follows:

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
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY SECOND FLOOR
SOUTHFIELD, MI 48075

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JUN 1 0 2005

OFFICE OF PETITIONS

In re Application of :
Brian Kenneth Bolton, Kevin Dean Sisken and :
Anne-Lise Grosmougin :
Application No. 11/033,770 :
Filed: January 12, 2005 :
For: METHOD FOR CONTROLLING :
ENGINE AIR/FUEL RATIO :

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 May 31, 2005.

The petition is **granted**.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

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

The file is being forwarded to Technology Center 3700 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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BRIAN KENNETH BOLTON
1331 MARYLAND BLVD.
BIRMINGHAM, MI 48009

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JUN 1 0 2005

OFFICE OF PETITIONS

In re Application of
Brian Kenneth Bolton, Kevin Dean Sisken and
Anne-Lise Grosmougin
Application No. 11/033,770
Filed: January 12, 2005
For: METHOD FOR CONTROLLING ENGINE
AIR/FUEL RATIO

Dear BRIAN KENNETH BOLTON:

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

BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY SECOND FLOOR
SOUTHFIELD, MI 48075

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LAW OFFICE OF L. JACK GIBNEY
8777 SAN JOSE BLVD, SUITE 502
JACKSONVILLE, FL 32217

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SEP 11 2008

In re Application of	:	
Brian S. Dunavin	:	
Application No. 11/033,786	:	DECISION ON PETITION
Filed: January 12, 2005	:	
Attorney Docket No. 04-123-PT-ISC	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 15, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before August 27, 2007, as required by the Notice of Allowance and Fee(s) Due mailed May 25, 2007. Accordingly, the date of abandonment of this application is August 28, 2007. A Notice of Abandonment was mailed 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 payment of the issue fee of $720.00; (2) the petition fee of $770.00; and (3) a proper statement of unintentional delay.

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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JONES DAY
901 LAKESIDE AVENUE
CLEVELAND, OH 44114

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MAY 0 3 2006
OFFICE OF PETITIONS

In re Application of	:	
Soler Castany et al.	:	DECISION ON PETITION
Application No. 11/033,788	:	TO WITHDRAW
Filed: January 12, 2005	:	FROM RECORD
Attorney Docket No. 68349-00015USPX	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 29, 2005.

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

A review of the file record indicates that the power of attorney to Joseph M. Sauer was revoked by the assignee of the patent application on September 23, 2005. Accordingly, the request to withdraw under 37 C.F.R. § 1.136(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 Petitions Examiner Liana Chase at 571-272- 3206.

David Bucci
Petitions Examiner
Office of Petitions

cc: JENKENS & GILCHRIST, PC
1445 ROSS AVENUE
SUITE 3200
DALLAS TX 75202

UNITED STATES PATENT AND TRADEMARK OFFICE

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PENNZOIL PLACE, SOUTH TOWER
711 LOUISIANA, SUITE 3400
HOUSTON, TX 77002-2716

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SEP 22 2006
OFFICE OF PETITIONS

In re Application of
Shama
Application No. 11/033,809
Filed: January 13, 2005
Attorney Docket No. 95176571-004001

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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

The request is **NOT APPROVED**.

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

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

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: Dr. Yash Shama
43393 Cedar Pond Place
Chantilly, VA 20152

UNITED STATES PATENT AND TRADEMARK OFFICE

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JENKENS & GILCHRIST
1401 MCKINNEY
SUITE 2600
HOUSTON TX 77010

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SEP 2 2 2006
OFFICE OF PETITIONS

In re Application of :
Sharma :
Application No. 11/033,811 : DECISION ON PETITION
Filed: January 13, 2005 : TO WITHDRAW
Attorney Docket No. 95176571-002004 : FROM RECORD
:

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 22, 2006.

The request is **NOT APPROVED**.

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

The 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. Furthermore, the request to withdraw attorneys was made to a customer number that was never appointed power of attorney under this customer number (i.e. 51738).

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 March 24, 2006.

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: BAKER & MCKENZIE LLP
PENNZOIL PLACE, SOUTH TOWER
711 LOUISIANA, SUITE 3400
HOUSTON, TX 77002-2716

cc: Dr. Yash Shama
43393 Cedar Pond Place
Chantilly, VA 20152

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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BAKER & MCKENZIE LLP
PENNZOIL PLACE, SOUTH TOWER
711 LOUISIANA, SUITE 3400
HOUSTON, TX 77002-2716

COPY MAILED
SEP 22 2006
OFFICE OF PETITIONS

In re Application of :
Shama :
Application No. 11/033,812 : DECISION ON PETITION
Filed: January 13, 2005 : TO WITHDRAW
Attorney Docket No. 95176571-003001 : FROM RECORD
:

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 22, 2006.

The request is **NOT APPROVED**.

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

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

The request cannot be approved because there remain 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 March 24, 2006.

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: DR. YASH SHAMA
43393 CEDAR POND PLACE
CHANTILLY, VA 20152

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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OFFICE OF PETITIONS

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

In re Patent No. 7,574,532	:	DECISION ON REQUEST
Wang, et al.	:	FOR
Issue Date: August 11, 2009	:	RECONSIDERATION OF
Application No. 11/033,815	:	PATENT TERM ADJUSTMENT
Filed: January 13, 2005	:	and
Atty Docket No.32052-9199.US00	:	NOTICE OF INTENT TO ISSUE
	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on October 12, 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 five hundred forty-seven (547) 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 five hundred forty-six (546) days is **GRANTED to the extent indicated herein.**

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on January 14, 2008 and ends on July 13, 2008, the day before the RCE was filed, and is 182 (not 183) days. See 35 U.S.C. 154(b)(1)(B)(i). As such, the patent term adjustment is 546, not 547 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 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 **five hundred forty-six (546)** days.

Telephone inquiries specific to this matter 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 DRAFT Certificate of Correction

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,574,532 B2

DATED : Aug. 11, 2009

INVENTOR(S) : Wang, 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 (425) days

Delete the phrase "by 425 days" and insert – by 546 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

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

Mail Date: 04/20/2010

Applicant	: Chueherh Wang	: DECISION ON REQUEST FOR
Patent Number	: 7574532	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/033,815	: OF WYETH
Filed	: 01/13/2005	:
		:

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

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

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

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

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

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

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

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

or

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

Mail Date: 05/17/2010

Applicant : Chueherh Wang
Patent Number : 7574532
Issue Date : 08/11/2009
Application No: 11/033,815
Filed : 01/13/2005

: NOTICE CONCERNING IMPROPER
: DISMISSAL OF THE REQUEST
: FOR RECALCULATION OF
: PATENT TERM ADJUSTMENT
: IN VIEW OF WYETH

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 mistakenly dismissed a small number of requests as ineligible. The dismissals involve requests that were filed on February 9-12, 2010, for patents that were granted on August 11, 2009. Any request that was filed on February 8, 2010 was properly deemed eligible for patent term adjustment (PTA) and was recalculated.

Patents meeting the above criteria were eligible because the USPTO was closed February 8-11, 2010, due to a snowstorm. See Closing of the United States Patent and Trademark Office from Monday February, 8, 2010, through Thursday, February 11, 2010, 1352 *Off. Gaz. Pat. Office* 146 (March 16, 2010). The Office considered each day from Monday, February 8, 2010, through Thursday, February 11, 2010, to be a "Federal holiday within the District of Columbia" under 35 U.S.C. § 21(b) and 37 CFR 1.6, 1.7, 1.9, 2.2(d), 2.195 and 2.196. Any actions that were due from Monday, February, 8, 2010, through Thursday, February 11, 2010, (or the preceding Saturday (February 6, 2010) or Sunday (February 7, 2010)) will be considered timely if the action was taken on the next succeeding business day on which the USPTO was open, which was February 12, 2010.

This notice **VACATES** the previous mailed decision in the patented file that deemed patentee ineligible for the request for recalculation. Patentee's request for recalculation is GRANTED.

The patent term adjustment has been determined to be **667** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate 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 1.18(e), the 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 deterimation 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 14 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of :
NIWANO, KAZUHITO :
Application No. 11/033,823 : DECISION ON PETITION
Filed: January 13, 2005 : TO MAKE SPECIAL
For: **MOBILE STATION, BASE STATION, COMMUNICATION SYSTEM, AND COMMUNICATION METHOD** :

This is a decision on the petition filed March 30, 2005 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

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

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

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

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

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APR 14 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of :
NIWANO, KAZUHITO :
Application No. 11/033,824 : DECISION ON PETITION
Filed: January 13, 2005 : TO MAKE SPECIAL
For: **MOBILE STATION, BASE STATION, COMMUNICATION SYSTEM, AND COMMUNICATION METHOD** :

This is a decision on the petition filed March 30, 2005 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

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

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

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

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04/16/10

TO SPE OF : ART UNIT 2464

SUBJECT : Request for Certificate of Correction for Appl. No.: 11033832 Patent No.: 7567584

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580

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

Lamonte Newsome

Certificates of Correction Branch

703-756-1574

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

_____

_____

_____

_____

/Ricky Ngo/ 2464

SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

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BEIT HAROF'IM
18 MENUHA VENAHALA STREET, ROOM 27
REHOVOT 76209 IL ISRAEL

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JUN 0 8 2005

OFFICE OF PETITIONS

In re Application of :
Henry M. Israel :
Application No. 11/033,855 :
Filed: January 13, 2005 :
Attorney Docket No. 1531NES-US :

DECISION GRANTING PETITION

This is a decision on the petition filed May 13, 2005, to vacate the Notice of Omitted Items in Nonprovisional Application mailed March 21, 2005, in the above-cited application.

The petition is **granted**.

On January 13, 2005, the above-identified application was filed. However, on March 21, 2005, the Office of Initial Patent Examination mailed a "Notice of Omitted Items in Nonprovisional Application" stating that application had been accorded a filing date of January1 3, 2005, and advising applicant that Figures 2, 3, 4A, and 4B, as described in the specification, appeared to have been omitted. The notice set a two-month period for reply.

In response, on May 13, 2005, applicant filed the present petition, a copy of Figures 2, 3, 4A, and 4B as described in the specification, and an Office date-stamped postcard receipt acknowledging receipt of 2 pages of the drawing, among other items.

Upon review of the record, Figures 2, 3, 4A, and 4B were not located among the application papers. However, the evidence is convincing that the application papers deposited January 12, 2005, included Figure 2, 3, 4A, and 4B, which were subsequently misplaced by the Office. Therefore, the application, including Figures 2, 3, 4A, and 4B, was complete on filing and entitled to the presently accorded filing date of January 13, 2005.

Accordingly, the petition is granted; the Notice is vacated, accordingly. The petition fee of $400.00 will be refunded, in due course.

The application file is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of January 13, 2005, using the 2 pages of drawings filed on that date.

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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SUITE 370
ALEXANDRIA VA 22314

MAILED

JAN 13 2006

TECHNOLOGY CENTER 2100

In re Application of: MIMATSU
Application No. 11/033,894
Filed: January 13, 2005
For: APPARATUS FOR MANAGING A PLURALITY OF KINDS OF STORAGE DEVICES

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

This is a response to the petition filed 27 December 2005 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, to make the above-identified application special.

The 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 27 December 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. Some of the limitations purporting to distinguish independent claim 13 from each reference do not appear to be in this claim. Regarding the second feature, claim 13 recites sending "a request to said disk controller *which retrieves* the detailed information using an appropriate protocol" (emphasis added) rather than sending "a request to said disk controller *to retrieve* the detailed information *of the disk drives attached to said disk controller which retrieves the detailed information* using an appropriate protocol" (emphasis added).

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.

P. M. Laufer

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

ds

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SUITE 370
ALEXANDRIA, VA 22314

MAILED

AUG 18 2006

Technology Center 2100

In re Application of: Yasuyuki MIMATSU
Application No. 11/033,894
Filed: January 13, 2005
For: APPARATUS AND METHOD FOR MANAGING A PLURALITY OF KINDS OF STORAGE DEVICES

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

This is a decision on the Request for Reconsideration filed February 8, 2006 on the petition to make special under 37 C.F.R. §102(d) and M.P.E.P. §708.02(VIII): Accelerated Examination, originally filed on December 27, 2005, and dismissed on January 13, 2006.

The Petition is **GRANTED**.

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

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

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

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

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

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

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

Petition to Make Special **GRANTED** since all of the requirements for special status under MPEP § 708.02(VIII) have been met.

The application file is being forwarded to the Examiner for accelerated examination in accordance with M.P.E.P. §708.02, Section VIII. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. §1309.

Brian L. Johnson
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3595

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BEDMINSTER NJ 07921

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AUG 25 2008

In re Application of
Hakkani-Tur, et al.
Application No. 11/033,902
Filed: January 12, 2005
Attorney Docket No. 2004-0026

ON PETITION

This is a decision on the petition, filed April 25, 2008, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704. No additional petition fee is required.

Petitioner states that the instant non-provisional application is the subject of an application filed in a foreign country and 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. A review of the file record shows that a Request to Rescind was filed on April 25, 2008. However, petitioner has not provided the exact filing date of the foreign application. Before a proper determination on the merits of the petition can be decided, petitioner must supply the filing date of the foreign application in a renewed petition under 37 CFR 1.137(b).

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.

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

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

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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: THOMAS M. ISAACSON
10415 SOUTHERN MARYLAND BLVD.
DUNKIRK MD 20754

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NOV 19 2008

OFFICE OF PETITIONS

In re Application of
Hakkani-Tur, et al.
Application No. 11/033,902
Filed: January 12, 2005
Attorney Docket No. 2004-0026

ON PETITION

This is a decision on the renewed petition, filed September 22, 2008, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on February 23, 2005, February 24, 2005, and October 25, 2005. However, the USPTO was unintentionally not notified of these filings within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing which sets forth the projected publication date of February 19, 2009 accompanies this decision on petition.

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

This application is being referred to Technology Center Art Unit 2626 to await a response to the September 18, 2008 non-final Office action.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/033,902	01/12/2005	Dilek Z. Hakkani-Tur	2004-0026

CONFIRMATION NO. 8523

26652
AT&T CORP.
ROOM 2A207
ONE AT&T WAY
BEDMINSTER, NJ 07921

NONPUBLICATION RESCISSION LETTER

Date Mailed: 11/14/2008

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 02/19/2009.

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.

[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".

/swbrantley/

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

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P.O. BOX 2902
MINNEAPOLIS, MN 55402-0902

Mail Date: 04/21/2010

Applicant	: Toshihiko Harada	: DECISION ON REQUEST FOR
Patent Number	: 7630923	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/033,914	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1169** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 900
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OFFICE OF PETITIONS

In re Application of
Douglas M. Okuniewicz
Application No. 11/033,920
Filed: January 11, 2005
Attorney Docket No. A9658-72754

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

This is a decision on the petition under 37 CFR § 1.102(d), filed March 9, 2006, to make the above-identified application special based on actual infringement as set forth in M.P.E.P. § 708.02, Section II.

The petition is **GRANTED**.

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

(A) That there is an infringing device or product actually on the market or method in use;

(B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and

(C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

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

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

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

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

Amelia Au
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MARK D. BOWEN, ESQ.
MALIN HALEY DIMAGGIO BOWEN & LHOTA, P.A.
1936 S. ANDREWS AVENUE
FT. LAUDERDALE FL 33316

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DEC 0 8 2008

In re Application of :
FRANCIS, Benita et al. :
Application No. 11/033,938 : DECISION ON PETITION
Filed: January 12, 2005 : TO WITHDRAW
Attorney Docket No. **5253.001** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 23, 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 Mark Bowen on behalf of all attorneys of record who are associated with customer No. 27324. All attorneys/agents associated with the Customer Number 27324 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 Benita Francis at the address indicated below.

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **BENITA FRANCIS**
10357 N.W. 16TH COURT
CORAL SPRINGS FL 33071

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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PROSKAUER ROSE LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

Mail Date: 04/21/2010

Applicant	: Boris Olegovich Kalinichenko	: DECISION ON REQUEST FOR
Patent Number	: 7606799	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/033,960	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **354** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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WOLF GREENFIELD (Microsoft Corporation)
C/O WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

MAILED

JUN 0 2 2009

OFFICE OF PETITIONS

In re Application of :
James Robarts et al :
Application No. 11/033,974 : ON PETITION
Filed: January 11, 2005 :
Attorney Docket No.
MS320749.02/MSFTP1987USA

This is a decision on the petition, filed May 29, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 22, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2173 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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BUCHANAN, INGERSOLL & ROONEY PC
P.O. BOX 1404
ALEXANDRIA, VA 22313-1404

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JUL 17 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Armand, et al. :
Application No. 11/033,977 :
Filed: January 12, 2005 :
Attorney Docket No. 032013-111 :

This is a decision on the petition under 37 CFR 1.181, filed May 24, 2006, to withdraw the holding of abandonment.

The petition is **GRANTED**.

This application became abandoned for failure to timely file a proper reply to the non-final Office action mailed November 17, 2005. Accordingly, this application became abandoned on February 18, 2006.

Petitioner asserts the Office action was not received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See Withdrawing the Holding of Abandonment When Office Actions Are Not Received; Notice 1156 Off. Gaz. Pat. Office 53 (November 16, 1993).

The required statements and docket records have been submitted and considered.

The petition is granted. In view thereof, the holding of abandonment is withdrawn. A new Office action will be mailed and the period for reply will be re-started.

Technology Center AU 1711 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's support staff for re-mailing of the November 17, 2005 Office action. The period for response will be set to run from the mailing date of the new Office action.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

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

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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WESTERN DIGITAL TECHNOLOGIES, INC.
ATTN: LESLEY NING
20511 LAKE FOREST DR.
E-118G
LAKE FOREST CA 92630

8/25/08

In re Application of:
KLASSEN, ANDREW S. et al
Serial No. 11/034,002
Filed: Jan. 12, 2005
Docket: A1486
Title:
TOOLING MANDREL FOR ASSEMBLING A HEAD STACK ASSEMBLY WITH A DISK DRIVE BASE AND METHOD OF USING THE SAME

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the petition filed on Aug. 20, 2008 by which petitioner requests reconsideration and withdrawal of the restriction requirement mailed Feb. 13, 2008 and that non-elected claim 19 be rejoined and examined on the merits. Claims 1-8 and 18 were elected and examined and claims 7-17 and 19 were withdrawn from consideration due to non-elected invention. The withdrawal of consideration of the non-elected claims 7-17 is based on the original restriction of Apr. 9, 2007 which is not an issue in this petition. This petition is being considered 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 restriction requirement mailed on Feb. 13, 2008 is hereby withdrawn. Claim 19 will be rejoined with the elected invention in a next Office action. The examiner has been directed to issue an Office action to rejoin and treat the non-elected claim 19 on the merits as soon as possible.

The application is being forwarded to Supervisory Patent Examiner of Art Unit 3726 for further consideration of non-elected claim 19. AN Office action will be sent in due course. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.

Frederick R. Schmidt, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED
DEC 0 8 2008

In re Application of	:	
Mathilde Benveniste	:	
Application No. 11/034024	:	ON PETITION
Filing or 371(c) Date: 01/12/2005	:	
Attorney Docket Number:	:	
AVA04-10	:	

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 C.F.R. § 1.137(b), filed October 24, 2008.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed March 19, 2008. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). Applicant filed a reply in the form of an Amendment in response to the Office action on May 5, 2008; however, the Amendment failed to place the application in condition for allowance. Applicant was so notified in an Advisory Action, mailed July 9, 2008. Notice of No timely and proper reply having been filed, the application became abandoned June 20, 2008.

Applicant files the present petition and Notice of Appeal and fee, and a Pre-Appeal Brief Request for Review.

Accordingly, the petition is granted. The application is being referred to Technology Center Art Unit 2617 for resolution of the Pre-Appeal Brief Request for Review.

Applicant has two (2) months from the mailing date of this Decision, or one month from the mail date of a Decision on the Pre-Appeal Brief Request for Review, to file an appeal brief. Extensions of time are available under 37 CFR 1.136(a).

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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JOHN F. SALAZAR
MIDDLETON & REUTLINGER
2500 BROWN & WILLIAMSON TOWER
LOUISVILLE, KY 40202

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DEC 1 0 2008

OFFICE OF PETITIONS

In re Application of :
Kyung-Ju Choi :
Application No. 11/034,026 : ON PETITION
Filed: January 12, 2005 :
Attorney Docket No. Zm921-05012 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 9, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of February 26, 2008. A 3-month petition for extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is August 27, 2008. This decision precedes the mailing of a Notice of Abandonment. On September 9, 2008, the present petition was filed.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of James E. Cole appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that petitioner is authorized to represent the particular party on whose behalf he acts.

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

It is noted that fees for a 3-month petition for extension of time were submitted with the present petition on September 9, 2008. Since no extension of time fees are due on a petition for revival, the $1,050 extension fees are being refunded to counsel's credit card.

[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.

The application is being referred to Technology Center AU 1797 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

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

SPE: R. Ridley

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/26/02

TO SPE OF : ART UNIT 3682

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/034028 Patent No.: 7178987

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

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

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

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

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

RICHARD RIDLEY
~~SUPERVISORY PATENT EXAMINER~~

_____ 3682
SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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AMGEN INC.
MAIL STOP 28-2-C
ONE AMGEN CENTER DRIVE
THOUSAND OAKS, CA 91320-1799

Mail Date: 04/21/2010

Applicant	: Celia Dominguez	: DECISION ON REQUEST FOR
Patent Number	: 7582631	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/034,042	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1241** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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TECHNOLOGY CENTER 3600

MADAN, MOSSMAN & SRIRAM, P.C.
2603 AUGUSTA
SUITE 700
HOUSTON, TX 77057

In re Application of : PETITION TO
James C. Jackson : ACCEPT COLOR
Application No. 11/034,043 : DRAWINGS/PHOTOGRAPHS
Filed: January 12, 2005 :
For: 3-D VISUALIZED DATA SET FOR ALL TYPES OF RESERVOIR DATA

This is a decision on applicant's petition under 37 CFR 1.184 Filed December 7, 2006 to accept color drawings/photographs.

For the acceptance of color drawings in accordance with 37 CFR 1.184(A)(2), a petition is required which fulfills the following requirements:

(i) The appropriate fee set forth in 1.17(h),
(ii) three (3) sets of color drawings/photographs, and
(iii) amending the specification 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 photography. Copies of this patent with color photographs will be provided by the Patent and Trademark Office upon request and payment of necessary fee."

Having met the requirements of 37 CFR 1.184(A)(2), the petition is **GRANTED**.

Any questions or comments with respect to the decision should be forwarded to Supervisory Patent Examiner, Jack Keith at the number listed below.

Jack Keith
Supervisory Patent Examiner
Art Unit 3663
(571) 272-6878

jwk: 7/26/07

CERTIFICATE OF ELECTRONIC FILING

I do hereby certify that this correspondence along with any papers referred to as being attached, is being transmitted by EFS to the attention of the Commissioner for Patents, on December 7, 2006.

Beth Pearson-Naul

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:	§	
James Jackson	§	
	§	Docket No: 614-37462-US
	§	Confirmation No. 6291
	§	
Serial No: 11/034043	§	Art Unit: 3663
	§	
Filed: January 12, 2005	§	Examiner: Hughes, Scott A.
Title: 3-D Visualized Data Set for All Types of Reservoir Data	§	

PETITION FOR INCLUSION OF COLOR DRAWINGS 37 C.F.R. § 1.84

This is a petition for inclusion of color drawings in the referenced application. Applicant respectfully submits that the color drawings are necessary for a proper understanding of the invention.

The Commissioner is authorized to charge any fee due for the amendments herein and to charge any deficiency to Deposit Account No. 02-0429 (614-37128-US)

Respectfully submitted,

Dated: 7 December 2006

Kaushik P. Sriram, Reg. No. 43,150
Madan, Mossman & Sriram, PC
2603 Augusta Suite 700
Houston, Texas 77057-5638
Tel: (713) 266-1130
Fax: (713) 266-8510
Attorney For Applicants

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 9/19/07 **Paper No.:** —

TO SPE OF : ART UNIT 3681

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/034044 Patent No: 7246539 B1

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

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

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

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: _____

C Mann — **SPE**

3681 — **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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SCOTT A. McCOLLISTER
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP
1100 SUPERIOR AVENUE, SEVENTH FLOOR
CLEVELAND, OH 44114-2518

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JUL 22 2005

OFFICE OF PETITIONS

In re Application of :
Fritz Norbury :
Application No. 11/034,076 :
Submitted: January 12, 2005 :
Attorney Docket No. DANI 2 00034 :

ON PETITION

This is a decision on the papers styled, "Response to Notice of Incomplete Nonprovisional Application," filed April 18, 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 January 12, 2005, including three (3) sheets of drawings.

The application was submitted on January 12, 2005. However, on February 25, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application," (Notice) that stated the application had not been accorded a filing date, and among other items, that the application was deposited without drawings.

In response, on April 18, 2005, the instant petition and three (3) sheets of drawings were filed.

Petitioner states:

> "Enclosed with this response are drawings for the application. These drawings are taken from the parent provisional application. No new matter is being submitted as drawings from the parent provisional application 60/535,883 are incorporated by reference into the present application as filed (see Transmittal Item 6). Accordingly, the application should be accorded the January 12, 2005 filing date. Moreover, since the subject matter of 60/535,883 was incorporated therein as of January 12, 2005, the application was complete on that date."

Petitioner requests the use of the incorporation by reference statement in "Item 6" of the Utility Patent Application Transmittal to incorporate-by-reference drawings from prior provisional application no. 60/535,883, filed January 12, 2004, in order to accord the above-identified application a filing date of January 12, 2005.

The petition is granted.

Based on petitioners' representation that the drawings supplied with the petition are a part of the disclosure of prior provisional application no. 60/535,883 and that the entire disclosure of prior provisional application no. 60/535,883 was specifically incorporated by reference in the present application on January 12, 2005, it appears that the drawings were present in the Office on January 12, 2005, albeit in the file of another application, i.e., provisional application no. 60/535,883. Therefore, on petition, the application may be granted the requested filing date of January 12, 2005.

Of course, the primary examiner is expected to compare the drawings supplied on April 18, 2005, to the disclosure of prior provisional application no. 60/535,883 in order to verify that the drawings are, in fact, part of the disclosure of the prior provisional application.

The required petition fee will be charged to deposit account no. 06-0308.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of January 12, 2005, using the drawings supplied on April 18, 2005.

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

Conferees: DW, CT, PFB

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RICHARD J. MINNICH, ESQ.
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP
SEVENTH FLOOR
1100 SUPERIOR AVENUE
CLEVELAND, OH 44114-2518

COPY MAILED
MAY 0 6 2005
OFFICE OF PETITIONS

In re Application of :
Mauro Cere' :
Application No. 11/034,077 : ON PETITION
Filed: January 12, 2005 :
Attorney Docket No. BUGZ 200199-1 :

This is a decision on the petition filed on April 18, 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 January 12, 2005, including Figures 4 and 5 described in the specification.

The application was filed on January 12, 2005. However, on March 10, 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, but Figures 4 and 5 described in the specification appear to have been omitted.

In response, on April 18, 2005 the instant petition and four (4) sheets of drawings (in which the fourth sheet contains Figures 4 and 5) were submitted. A copy of applicant's postcard receipt that acknowledges receipt of "4 Sheet(s) of drawing(s) Figs. 1-5" on January 12, 2005, accompanied the papers. A review of the application file indicates the presence of only three (3) sheets of drawings originally filed on January 12, 2005, with the sheet that contains Figures 4 and 5 missing. It is assumed that the missing sheet of drawings containing Figures 4 and 5 was misplaced by the Office.

In view of the above, the petition is granted.

The $400.00 petition fee will be refunded to deposit account no. 06-0308.

This application will be returned to OIPE for processing with a filing date of January 12, 2005, using the sheet of drawings, containing Figures 4 and 5, that was submitted with the petition on April 18, 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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DIW May-05

IBM CORPORATION, T.J. WATSON RESEARCH CENTER
P.O. BOX 218
YORKTOWN HEIGHTS NY 10598

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JUN 0 1 2005

OFFICE OF PETITIONS

In re Application of :
Zhang et al. :
Application No. 11/034,099 : ON PETITION
Filed: 12 January, 2005 :
Atty Docket No. CN920030010US1 :

This is a decision on the petition filed on 30 March, 2005, requesting that the above-referenced application be accorded a filing date of 12 January, 2005, with Figure 3 described in the specification as a part of the original disclosure.

The petition is **GRANTED**

The application was filed on 12 January, 2005. On 24 February, 2005, Initial Patent Examination Division mailed a "Notice to File Missing Parts of Nonprovisional Application," stating that an executed oath or declaration and a surcharge for its late filing was required, and also that the application had been accorded a filing date of 12 January, 2005, but that Figure 3 described in the specification appeared to have been omitted from the application.

In response, on 30 March, 2005, the present petition was filed, accompanied by an executed declaration, authorization to charge the surcharge, the present petition, authorization to charge the petition fee, and one (1) sheet of drawings containing Figure 3. Petitioners assert that Figure 3 described in the specification was included in the Chinese priority document filed concurrently with the original application papers on 12 January, 2005. The petition also states that the Figure 3 provided is a "true English translation of the original Chinese application."

A review of the priority document submitted on 12 January, 2005, reveals that it does include one (1) sheet of drawings containing Figures 3 which appears to be identical to the one (1) sheet of drawings containing Figure 3 which was intended to be filed on 12 January, 2005, and which appears to correspond to the figure

described in the specification. Accordingly, on petition, the drawing of Figure 3 in the Chinese priority document will be construed as the drawing of Figure 3 described in the specification for filing date purposes.

The copy of Figure 3 with English text supplied with the present petition will be used for processing and examination. As the Notice correctly stated that Figure 3 *appeared* to have been omitted, the petition fee of $400.00 will be assessed to counsel's deposit account, No. 09-0468.

Counsel's statement that the copy of Figure 3 provided with the petition "to the best of my knowledge this figure is [a] true English translation of the original Chinese application." is being construed as a statement in accordance with 37 CFR 1.52(d) that the copy of Figure 3 is an accurate English translation of Figure 3 included in the Chinese priority document filed with the original application papers. Petitioners **must** inform the Office if this is an incorrect interpretation.

The application file is being forwarded to Office of Initial Patent Examination for further processing with a filing date of 12 January, 2005, using the application papers filed on 12 January, 2005, and the copy supplied on petition of the English translation of the one (1) sheet of drawings containing Figure 3 in the Chinese priority document filed with the present application, and for an indication in Office records that seven (7) sheets of drawings were present on filing.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

OIPE JUN 28 2006 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	11/034,102	Confirmation No. 6696
Applicant	John A. GIORDANO et al.	
Filed	13 January 2005	
TC/Art Unit	1761	
Examiner	Unassigned 1761	
Docket No.	48508-00056 1-13-05	
Customer No.	23767	

PETITION TO MAKE SPECIAL
UNDER 37 C.F.R. § 1.102 AND M.P.E.P. § 708.02(II)

Mail Stop Petition
Commissioner for Patents
Alexandria, VA 22313

Sir:

Pursuant to 37 C.F.R. § 1.102, Applicants hereby petition the Director of the United States Patent and Trademark Office to make the referenced application special and receive accelerated examination because of actual infringement as delineated under M.P.E.P. § 708.02(II). Filed concurrently herewith is the separate statement containing the requisite allegations.

References that may be closely related to the subject matter encompassed by the claims are already of record and, pursuant to M.P.E.P. § 708.02(II), no copies are provided.

Accordingly, Applicants respectfully request that this Petition To Make Special be granted and that the pending claims be examined and allowed as quickly as possible.

06/29/2006 SZEWDIE1 00000166 501867 11034102
01 FC:1464 130.00 DA

PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700
SEP 19 2006

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 20 2005

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

EARLE JENNINGS
8 KENYON AVE
KENSINGTON CA 94708

In re Application of
Mueller, Frederick
Application No. 11/034,107
Filed: December 28, 2004

For: **METHODS AND APPARATUS FOR SCANNING THREE-DIMENSIONAL OBJECTS**

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the request for withdrawal as agent of record filed on May 23, 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**.

All attorneys associated with Customer Number (35530) 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.

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

cc: JOHN MIRAMONTI
9 LASH ROAD
LEBANON NH 03784

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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STEPHEN B. ACKERMAN
28 DAVIS AVENUE
POUGHKEEPSIE NY 12603

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JUN 19 2008
OFFICE OF PETITIONS

In re Application of :
Zhao, et al. :
Application No. 11/034,114 : ON PETITION
Filed: January 12, 2005 :
Attorney Docket No. HT04-043B :
For: TUNNELING MAGNETO-RESISTIVE SPIN VALVE SENSOR WITH NOVEL COMPOSITE FREE LAYER

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application. The petition was filed on March 17, 2008 (certificate of mailing date March 12, 2008).

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

This application was held abandoned for failure to respond in a timely manner to the non-final Office action mailed on June 15, 2007, which set an extendable three month period for reply. The Office has no record of receiving an extension of time or a reply to the June 15, 2007 non-final Office action in application no. 11/034,114. Therefore, the Office considered the application abandoned on September 16, 2007. A Notice of Abandonment was mailed on January 22, 2008.

Petitioners assert that a proper response in the form of an amendment was timely filed on certificate of mailing date August 17, 2007 and received in the Office on August 21, 2007. Therefore, petitioners request withdrawal of the holding of abandonment.

A review of the copy of the August 17, 2007 amendment submitted with the petition shows that petitioners cited application no. 11/034,113. Therefore, the amendment was not associated with application no. 11/034,114's file. A review of the contents of application no. 11/034,113 reveals that the August 17, 2007 amendment is present. It was received in the Office on August 21, 2007. This is consistent with the copy of applicants' postcard receipt submitted with the present petition as evidence that a 7 page amendment was filed in the Office on August 21, 2007.

Even though petitioners cited the wrong application number on the amendment, under MPEP 502, " A minor error in the identification of the application can be corrected by the group provided the correct identification can be quickly discovered. Examples of minor errors are transposed numbers, typographical errors, and listing the parent application number." The

undersigned believes that a relatively simple review of Office records would have yielded the correct application number to enable the Office to match the August 17, 2007 correspondence with this application file. A cross-referencing of the attorney docket number found on the amendment with Office databases would have revealed the typographical error.

The undersigned will request that the August 17, 2007 amendment be removed from the file of application no. 11/034,113 and placed in the file of the above-identified application.

The August 17, 2007 amendment was timely filed. Accordingly, the petition is **GRANTED**, the Notice of Abandonment is hereby vacated, and the holding of abandonment withdrawn.

The application file will be forwarded to the Technology Center AU 2627 for consideration of the amendment filed on August 21, 2007 (certificate of mailing date August 17, 2007).

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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RAMON L. PIZARRO
3515 SOUTH TAMARAC DRIVE, Suite 200
DENVER, CO 80237

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OCT 28 2008

OFFICE OF PETITIONS

In re Application of :
Dean Clark et al. :
Application No. 11/034,135 : DECISION ON PETITION
Filed: January 11, 2005 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 18, 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 29, 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 30, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $770.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 3632 for appropriate action by the Examiner in the normal course of business on the reply received.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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WORKMAN NYDEGGER/MICROSOFT
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY UT 84111

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DEC 09 2009

Technology Center 2100

In re Application of:
Shane F. WILLIAMS et al.
Application No. 11/034,136
Filed: January 12, 2005
For: **TIME LINE BASED USER INTERFACE FOR VISUALIZATION OF DATA**

DECISION ON PETITION UNDER 37 C.F.R. § 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed on October 9, 2008, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 11-15, 17-20, 22-27, 29, 30, 32, 34 and 35 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 was filed with the required fee and was filed with three (3) copies of color drawings of Figures 11-15, 17-20, 22-27, 29, 30, 32, 34 and 35. Paragraph [0018] of the specification contains the required notification described above.

Accordingly, the petition is **GRANTED**.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100
(571) 272-1732

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/034,136	01/12/2005	Shane F. Williams	MS 311109.01	8062

47973 7590 12/09/2009

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1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

EXAMINER	
TAN, ALVIN H	

ART UNIT	PAPER NUMBER
2173	

MAIL DATE	DELIVERY MODE
12/09/2009	PAPER

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

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

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Polster, Lieder, Woodruff & Lucchesi
12412 Powerscourt Drive, Suite 200
St. Louis, MO 63131-3615

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JUL 07 2008

In re Application of
Kip M. Harm
Application No. 11/034,157
Filed: January 12, 2005
Attorney Docket No. HARM 9150

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed May 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. 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 correspondence address has been changed to that of the sole inventor.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Kip M. Harm
627 Pines Way
Columbia, IL 62236

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/034,157	01/12/2005	Kip M. Harm	HARM 9150

CONFIRMATION NO. 6666

POWER OF ATTORNEY NOTICE

1688
POLSTER, LIEDER, WOODRUFF & LUCCHESI
12412 POWERSCOURT DRIVE SUITE 200
ST. LOUIS, MO 63131-3615

Date Mailed: 07/07/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/27/2008.

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

/kainabinet/

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

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Paper No.

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

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MAR 17 2010

OFFICE OF PETITIONS

In re Patent No. 7,620,974	: DECISION ON REQUEST
Newstadt et al.	: FOR RECONSIDERATION OF
Issue Date: November 17, 2009	: PATENT TERM ADJUSTMENT
Application No. 11/034,161	: and
Filed: January 12, 2005	: NOTICE OF INTENT TO ISSUE
Atty Docket No. 08971.0022	: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on November 18, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand, three hundred and seventeen (1317) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand, three hundred and seventeen (1317) days is **GRANTED**.

The $200.00 fee set forth in 37 CFR 1.18(e) will be charged to Petitioner's Deposit Account in due course, as authorized on the third page of this petition. No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand, three hundred and seventeen (1317) days.**

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

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 : 7,620,974 B2

DATED : **November 17, 2009** **DRAFT**

INVENTOR(S) : **Newstadt 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 892 days

Delete the phrase "by 892 days" and insert – by 1317 days --

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PATENT SERVICES
101 COLUMBIA DRIVE
P O BOX 2245 MAIL STOP AB/2B
MORRISTOWN, NJ 07962

Mail Date: 04/20/2010

Applicant	: Arne Karlsson	: DECISION ON REQUEST FOR
Patent Number	: 7588729	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/034,163	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **963** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Mail Date: 04/20/2010

Applicant	: Christophe J. Chevallier	: DECISION ON REQUEST FOR
Patent Number	: 7569414	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/034,165	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1239** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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WONG, CABELLO, LUTSCH, RUTHERFORD
& BRUCCULERI, LLP
20333 SH 249
SUITE 600
HOUSTON, TX 77070

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OCT 0 1 2008

OFFICE OF PETITIONS

In re Application of :
Kelly H. McClure, et al. :
Application No. 11/034,190 : DECISION ON PETITION
Filed: January 11, 2005 : TO WITHDRAW
Attorney Docket No. 585-0031US5/05-00435-08 : FROM RECORD
:

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 8, 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 to withdraw less than all attorneys appointed by customer number 70573 cannot be approved. The addition and/or deletion of a practitioner from the list of practitioners associated with a Customer Number should be made by submitting a "Request for Customer Number Data Change" (PTO/SB/124) which will result in the addition or deletion of such practitioner from the list of persons authorized to represent any applicant or assignee of the entire interest who appointed all of the practitioners associated with such Customer Number. See MPEP 403 Section I. Customer Number Practice.

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

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

April M. Wise
Petitions Examiner
Office of Petitions

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FAEGRE & BENSON LLP
PATENT DOCKETING
2200 WELLS FARGO CENTER
MINNEAPOLIS, MN 55402

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AUG 15 2006

OFFICE OF PETITIONS

In re Application of :
Wong :
Application No. 11/034,203 : DECISION ON PETITION
Filed: January 12, 2005 :
Attorney Docket No. 73893-311878 :

This is a decision on the "PETITION TO ACCEPT PRIORITY CLAIM," filed September 20, 2005.

The petition is **DISMISSED AS MOOT**.

Petitioner indicates that the application as filed include a priority claim to three provisional applications, including Provisional App. No. 60/536,020. Petitioner further indicates that the Office denied applicant's request for priority to Provisional App. No. 60/536,020, stating the provisional application was filed more than one year prior to the filing date of the instant application. Petitioner has provided evidence sufficient to establish that Provisional App. No. 60/536,020 was filed January 12, 2004, rather than January 11, 2004, the filing date previously accorded said provisional application. Therefore, the Provisional App. No. 60/536,020 was not filed more than one year prior to the filing of the instant application.

In view of the evidence presented, the instant application was entitled to claim the benefit of Provisional App. No. 60/536,020 at the time of filing of the instant application on January 12, 2005; no petition (or petition fee) is necessary for that purpose.

Any questions concerning this decision on petition may be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3765 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 119 to the prior-filed provisional application.

Frances Hicks
Lead Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/034,203	01/12/2005	3765	615	73893-311878	10	22	3

CONFIRMATION NO. 2584

25764
FAEGRE & BENSON LLP
PATENT DOCKETING
2200 WELLS FARGO CENTER
MINNEAPOLIS, MN 55402

CORRECTED FILING RECEIPT

OC000000019894159

Date Mailed: 08/04/2006

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)

Jon G. Wong, Long Beach, CA;

Assignment For Published Patent Application

E-Z Gard Industries, Inc., Plymouth, MN

Power of Attorney: The patent practitioners associated with Customer Number **25764**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/536,021 01/12/2004
and claims benefit of 60/536,087 01/12/2004
and claims benefit of 60/536,020 01/12/2004

Foreign Applications

If Required, Foreign Filing License Granted: 02/23/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/034,203

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Jock support short

Preliminary Class

002

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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VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

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APR 11 2006
OFFICE OF PETITIONS

In re Application of :
John W. M. ROGERS et al. :
Application No. 11/034,224 : ON PETITION
Filed: January 12, 2005 :
Attorney Docket No. COG-2-0983.01.US :

This is a decision on the petitions, filed January 13, 2006, under 37 CFR 1.137(b) to revive the above-identified application and under 37 CFR 1.47(a) to accept this application notwithstanding the absence of the signature of a non-signing inventor.

The petition under 37 CFR 1.137(b) 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 February 25, 2005, which set forth a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 26, 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 signed Oath or Declaration, the Statutory basic filing fee, the late Oath or Declaration surcharge, the application examination fee, the application search fee, and the additional claim fee; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay.

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

The petition under 37 CFR 1.47(a) is **DISMISSED** as being moot.

The petition under 37 CFR 1.47(a) is not necessary in view of the Declaration filed January 13, 2006 where the third inventor A. David Moore signed the declaration. In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is moot; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a). It is noted that the oath or declaration is not complete. However, where neither the original oath or declaration nor the substitute oath or declaration is complete in itself, but each oath or declaration names all of the inventors and the declarations taken together give all the required data, no further oath or declaration is needed. See MPEP 602.02.

Since the petition under 37 CFR 1.47(a) was dismissed as moot, the $200 fee set forth in 37 CFR 1.17(g) is unnecessary and will be refunded by Treasury Check.

Regarding the Power of Attorney and Statement under 3.73(b) filed April 11, 2005, this is not a successful intervention by the Assignee. A copy of an executed assignment was filed concurrently with the Power of Attorney filed April 11, 2005. The executed assignment documents the transfer of ownership from Cognio, Inc. to IPR Licensing, Inc. However, there is no documentary evidence in the file of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), or 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), establishing that Cognio, Inc. had assignment from the inventors in the instant application. In order for the assignee to intervene a complete chain of title and a proper statement under 37 CFR 3.73(b) is required. See MPEP § 402.07

Telephone inquiries concerning this decision should be directed to Charles Marmor, II at (571) 272-6052, or in his absence, the undersigned at (571) 272-3217.

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

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

Mail Date: 04/20/2010

Applicant	: Vladimir Ilchenko	: DECISION ON REQUEST FOR
Patent Number	: 7587144	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/034,232	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1218** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090519

DATE : May 19, 2009

TO SPE OF : ART UNIT 3732

SUBJECT : Request for Certificate of Correction on Patent No.: 11/034,234; 7,309,312

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

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

Thank You For Your Assistance **Certificates of Correction Branch**

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

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: /Cris L. Rodriguez/ **Art Unit** 3732

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90 SOUTH SEVENTH STREET
MINNEAPOLIS MN 55402-3901

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APR 1 8 2007

OFFICE OF PETITIONS

In re Application of :
Wong, Jon G. :
Application No. 11/034,235 : ON PETITION
Filed: January 12, 2005 :
Attorney Docket No. 73893-311877 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed September 20, 2005, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of prior-filed provisional Application No. 60/536,020, filed January 12, 2004.

The petition is **DISMISSED AS MOOT**.

A reference to the above-listed, prior-filed provisional application was included in the first sentence of the specification following the title upon filing of the instant application. Priority was not initially granted due to the conflicting filing date of the provisional application. A petition to assign the proper filing date of January 12, 2004 was submitted and granted on August 14, 2006.

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center Art Unit 3765 for examination on the merits, including consideration by the examiner of the claim under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(5) for the benefit of the prior-filed provisional application.

Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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United States Patent and Trademark Office
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/034,235	01/12/2005	3765	840	73893-311877	27	4

CONFIRMATION NO. 6110

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

CORRECTED FILING RECEIPT

OC000000023394758

OC000000023394758

Date Mailed: 04/16/2007

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)

Jon G. Wong, Long Beach, CA;

Assignment For Published Patent Application

E-Z Gard Industries, Inc., Plymouth, MN

Power of Attorney: The patent practitioners associated with Customer Number **25764**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/536,021 01/12/2004
and claims benefit of 60/536,087 01/12/2004
and claims benefit of 60/536,020 01/12/2004

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 US11/034,235

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Impact protection device

Preliminary Class

002

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

GRANTED

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license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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NOT GRANTED

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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VIENNA VA 22182-6212

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OCT 16 2008

OFFICE OF PETITIONS

In re Patent No. 7,366,208 :
Issue Date: April 29, 2008 :
Application No. 11/034,246 : ON PETITION
Filed: January 13, 2005 :
Attorney Docket No. 58268.00483 :

This is a decision on the petition filed July 24, 2008, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the 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
Petitions Examiner
Office of Petitions

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

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NOV 29 20

GREENLEE WINNER AND SULLIVAN P C
4875 PEARL EAST CIRCLE
SUITE 200
BOULDER CO 80301

In re Application of :
Willem A. van der Donk et al :
Serial No.: 11/034.275 : PETITION DECISION
Filed: January 12, 2005 :
Attorney Docket No.: 156-03 :

This is a decision on the PETITION FOR ACCEPTANCE OF COLOR DRAWINGS UNDER 37 CFR 1.84(a)(2). The petition was filed November 16, 2007. Entry of color drawings requires: 1) three sets of the color drawings, 2) a proper amendment to the specification indicating color photographs or drawings are present in the file, and 3) the required fee under 37 CFR 1.17(h).

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

The petition is **GRANTED**.

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

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

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NOV 29 2007

GREENLEE WINNER AND SULLIVAN P C
4875 PEARL EAST CIRCLE
SUITE 200
BOULDER CO 80301

In re Application of	:
Willem A. van der Donk et al	:
Serial No.: 11/034.275	: PETITION DECISION
Filed: January 12, 2005	:
Attorney Docket No.: 156-03	:

This is a decision on the PETITION FOR ACCEPTANCE OF COLOR DRAWINGS UNDER 37 CFR 1.84(a)(2). The petition was filed November 16, 2007. Entry of color drawings requires: 1) three sets of the color drawings, 2) a proper amendment to the specification indicating color photographs or drawings are present in the file, and 3) the required fee under 37 CFR 1.17(h).

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

The petition is **GRANTED**.

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

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

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FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE WI 53202-5306

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DEC 16 2009

OFFICE OF PETITIONS

In re Application of :
Butler et al. :
Application No. 11/034,300 :
Filed: January 12, 2005 :
Attorney Docket No. 053349-0106 :
Title: Pedicle Screw Constructs :
For Spine Fixation Systems :

ON APPLICATION FOR
PATENT TERM ADJUSTMENT

This is in response to the "REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705" filed September 11, 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 three hundred sixty-nine (369) days, not one hundred seventy-three (173) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction on the basis that the Office will take in excess of three years to issue this patent. Applicants also state that an additional 23-day reduction pursuant to 37 CFR 1.704 (c)(8) is required.

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, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). There is no specific regulatory provision for requesting that a petition under 37 CFR 1.705 be held in abeyance.

The petition is **Dismissed-In-Part** and **Granted-In-Part**.

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].

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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

Consideration next turns to applicants' contention that a period of reduction for applicant delay is in error. Pursuant to their duty of candor and good faith, applicants disclose that entry of an 23-day reduction is required for the submission of the supplemental reply in the form of an Information Disclosure Statements (IDS) and a supplemental amendment filed on September 10, 2008, subsequent to the RCE filed on August 18, 2008.

Applicants are correct that a reduction of 23 days should have been entered based on 37 CFR 1.704(c)(8). 37 CFR 1.704(c) provides 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:
>
> (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;

It is undisputed that patentees submitted an IDS and supplemental amendment on September 10, 2008, after filing an initial response on August 18, 2008, to the final Office action. The record does not support a conclusion that the examiner expressly requested the IDS. Further, a review of the IDS, filed September 10, 2008 reveals that applicants did not include a statement under 37 CFR 1.704(d). Thus, applicants failed to engage in reasonable efforts to conclude prosecution of the application.

---

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.

In accordance with 37 CFR 1.704(c)(8), the period of adjustment should have been reduced by 23 days, the number of days beginning on the day after the date the initial reply was filed, August 19, 2008, and ending on the date that the IDS and supplemental amendment were filed, September 10, 2008.

As such, the total reduction for applicants' delay is 110 (26 + 61 + 23) days.

The petition is **Granted** to the extent that an additional 23 days of applicant delay was required pursuant to 37 CFR 1.704 (c)(8).

In view thereof, it is concluded that the determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **one hundred fifty (150)**(260-110) days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required. The fee set forth in 37 CFR 1.18(e) is required and will not be refunded.

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

/Kery A. Fries/

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

Enclosure: Copy of REVISED PALM Screen

PTA Calculations for Application: 11/034300			
Application Filing Date:	01/12/2005	PTO Delay (PTO):	260
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	87
Post-Issue Petitions:	0	Total PTA (days):	150
PTO Delay Adjustment:	-23		

File Contents History

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94	12/15/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		23	
88	09/03/2009	MAIL NOTICE OF ALLOWANCE			
87	09/01/2009	ISSUE REVISION COMPLETED			
86	09/01/2009	DOCUMENT VERIFICATION			
85	09/01/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
84	08/31/2009	NOTICE OF ALLOWABILITY			
83	06/19/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
82	06/19/2009	REFERENCE CAPTURE ON IDS			
81	06/19/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
80	07/04/2009	DATE FORWARDED TO EXAMINER			
79	06/19/2009	REQUEST FOR CONTINUED EXAMINATION (RCE)			
78	07/04/2009	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
77	06/19/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
76	06/19/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
75	06/12/2009	FINISHED INITIAL DATA CAPTURE			
74	05/19/2009	EXPORT TO INITIAL DATA CAPTURE			
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72	05/12/2009	ISSUE REVISION COMPLETED			
71	05/12/2009	DOCUMENT VERIFICATION			
70	05/12/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
69	05/12/2009	CASE DOCKETED TO EXAMINER IN GAU			

68	05/11/2009	NOTICE OF ALLOWABILITY			
67	12/05/2008	DATE FORWARDED TO EXAMINER			
66	11/26/2008	RESPONSE AFTER NON-FINAL ACTION			
65	11/14/2008	MAIL NON-FINAL REJECTION			
64	11/10/2008	NON-FINAL REJECTION			
63	09/10/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
62	10/07/2008	CASE DOCKETED TO EXAMINER IN GAU			
61	09/10/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
60	09/03/2008	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
59	08/26/2008	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
58	08/27/2008	DATE FORWARDED TO EXAMINER			
57	06/06/2008	RCE- AF PROCESSED			
56	08/27/2008	DATE FORWARDED TO EXAMINER			
55	08/18/2008	REQUEST FOR CONTINUED EXAMINATION (RCE)		61	46
54	08/27/2008	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
53	08/18/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
52	08/18/2008	WORKFLOW - REQUEST FOR RCE - BEGIN			
51	07/08/2008	MISCELLANEOUS INCOMING LETTER			
50	06/12/2008	DATE FORWARDED TO EXAMINER			
49	06/06/2008	AMENDMENT AFTER FINAL REJECTION			
48	06/09/2008	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
47	05/28/2008	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
46	03/18/2008	MAIL FINAL REJECTION (PTOL - 326)			
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39	12/06/2007	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
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31	07/30/2007	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
30	07/19/2007	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
29	07/17/2007	MISCELLANEOUS INCOMING LETTER			
25	05/01/2007	MAIL FINAL REJECTION (PTOL - 326)			
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22	01/09/2007	RESPONSE AFTER NON-FINAL ACTION			
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20	12/20/2006	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
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18	10/02/2006	NON-FINAL REJECTION			
17	05/09/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
16	09/20/2006	CASE DOCKETED TO EXAMINER IN GAU			
15	08/07/2006	CASE DOCKETED TO EXAMINER IN GAU			
14	06/08/2006	CASE DOCKETED TO EXAMINER IN GAU			
13	04/25/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
12	05/09/2005	REFERENCE CAPTURE ON IDS			
11.7	05/09/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	05/09/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	05/19/2005	APPLICATION DISPATCHED FROM OIPE			
9	05/19/2005	APPLICATION IS NOW COMPLETE			
		A STATEMENT BY ONE OR MORE INVENTORS			

8	05/04/2005	SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
7	03/31/2005	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
5	03/28/2005	CLEARED BY L&R (LARS)			
4	02/09/2005	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
3	02/09/2005	CASE CLASSIFIED BY OIPE			
2	02/08/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	01/12/2005	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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DAVID M. CARTER
CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 BROAD HOLLOW ROAD, SUITE 225
MELVILLE, NY 11747

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MAR 0 7 2005

OFFICE OF PETITIONS

In re Application of
Trandafir, et al.
Application No. 11/034,302
Filed: January 10, 2005
Attorney Docket No. 1429-11 CIP CON
FOR: APPARATUS AND METHODS FOR THERAPEUTICALLY TREATING DAMAGED TISSUES, BONE FRACTURES, OSTEOPENIA, OR OSTEOPOROSIS

: DECISION GRANTING
: PETITION

This is a decision on the petition, filed February 11, 2005 (certificate of mailing date February 9, 2005), requesting that the above-identified application be accorded a filing date of January 10, 2005.

Petitioners filed the instant petition because petitioners received a return receipt postcard with an Office generated barcode affixed thereto that listed serial number 11/034,302 and a filing date of January 12, 2005. Petitioners request that the present application be accorded a filing date of January 10, 2005 because petitioners state that the application was deposited in "Express Mail" service with the U. S. Postal Service (USPS) on January 10, 2005.

In support, petitioners have provided a copy of the USPS Shipping Center Track and Confirm information for the package associated with EV517670238US that reveals that the package was en route to the Office from a Melville, NY postal facility on January 10, 2005. The same Express Mail label no. is listed on the original Utility Patent Application Transmittal present in the official file for this application.

In view of the above, the Office is convinced that the application was deposited as "Express Mail" with the USPS on January 10, 2005.

The petition is **GRANTED**. As this is a feeless petition, no petition fee has been or will be charged.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of **January 10, 2005**.

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

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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HOFFMANN-LA ROCHE INC.
PATENT LAW DEPARTMENT
340 KINGSLAND STREET
NUTLEY NJ 07110

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JUN 14 2005

OFFICE OF PETITIONS

In re Application of
Huang, et al.
Application No. 11/034,312
Filed: January 12, 2005
Attorney Docket No. 22358 US1
For: SCREENING METHODS FOR INHIBITORS OF PROTEIN-PROTEIN BINDING INTERACTIONS

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.53(e), filed May 9, 2005, requesting in effect, withdrawal of the Notice of Incomplete Nonprovisional Application, mailed April 6, 2005, and accordation of a January 12, 2005 filing date to the above-identified application.

The application was deposited on January 12, 2005. On April 6, 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 January 12, 2005 because no drawing was present, as is required by 35 USC 113, despite the fact that several drawings were referenced in the specification.

In response to the Notice, petitioner timely filed, *inter alia*, the present petition.

First petitioners argue that the inadvertently omitted drawings were of record in the provisional application filed January 15, 2004, from which the instant application claims priority. Therefore, the drawings were present in the Office well before the nonprovisional application was filed. Petitioners argue the drawings filed in the provisional application should be included in the nonprovisional application.

Second, petitioners argue that the drawings are not necessary under 35 U.S.C. 113 for the understanding of the subject matter sought to be patented.

Regarding petitioners' first argument, it is possible to add essential material to a later-filed application from an earlier-filed application when a benefit claim to the earlier-filed application was present in a later-filed application on the date the later-filed application was filed. See 37 CFR 1.57. However, a petition and a $400.00 petition fee is required. This avenue of relief will not be

pursued because petitioners have not filed such a petition and the application is entitled to a filing date without the drawings as part of the application papers, as explained below.

Regarding petitioners' second argument, it is noted that the above-identified application contains a method claim. As stated in MPEP 601.01(f), it is the practice of the PTO to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 USC 113 (first sentence.)

MPEP 601.01(f) also states that:

> A non provisional 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 a method claim. 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 April 6, 2005 was mailed in error and is hereby withdrawn. The petition is **granted**. Pursuant to petitioners' authorization, deposit account no. 08-2525 will be credited the $130.00 petition fee submitted on May 9, 2005.[1]

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **January 12, 2005**. The drawings submitted with the instant petition will **not** be processed as part of the application papers. At a later date, petitioners may wish to file an amendment with the examiner of record to add the drawings to the above-identified application based on the provisional benefit claim.

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[1] For future reference, the filing date petition fee is currently $400.00, not $130.00.

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

E. Shirene Willis
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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ROBERT J. KAPALKA
TYCO ELECTRONICS CORPORATION
4550 NEW LINDEN HILL ROAD, SUITE 140
WILMINGTON, DE 19808-2952

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OFFICE OF PETITIONS

In re Application of :
William Henry Bernhart et al :
Application No. 11/034,321 : DECISION GRANTING PETITION
Filed: January 12, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. TYCOE-GI-00005 :

This is a decision on the petition, filed May 8, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 16, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2833 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\may9\034321.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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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/034,343	01/11/05	Saint	DEXCOM.040A

CONFIRMATION NO. 3814

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

Date Mailed: April 7, 2005

Letter Regarding Petition Under 37 CFR 1.182 Filed With Replacement Drawings

The petition under 37 CFR 1.182 filed March 17, 2005 is acknowledged.

The procedure for submitting replacement drawings by filing a petition under 37 CFR 1.182 and a petition fee has been eliminated. Mail Stop PGPUB Drawings has also been eliminated. The Office may include any replacement drawings filed in compliance with 37 CFR 1.84 and 1.121(d) in the patent application publication if the replacement drawings are entered into the Office file wrapper of the application before technical preparations for publication of the application have begun (generally four months prior to the projected publication date.) See *Changes To Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan*, Final Rule, 68 *Fed. Reg.* 56481, 56514-56525 (Sept. 21, 2004).

Accordingly, the replacement drawings filed with the petition under 37 CFR 1.182 may be included in the patent application publication if the drawings are in compliance with 37 CFR 1.84 and 1.121(d) and if they are entered into the Office file wrapper of the application before technical preparations for publication of the application have begun.

If a petition fee or processing fee was submitted with the replacement drawings, then the fee has been refunded.

Telephone inquiries regarding this letter should be directed to the Office of Patent Publication, Pre-Grant Publication Division, 703-605-4283.

Valetus King
Pre Grant Publication

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KNOBBE, MARTENS, OLSEN & BEAR, LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 04/21/2010

Applicant	: Sean Saint	: DECISION ON REQUEST FOR
Patent Number	: 7637868	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/034,343	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1198** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 1223
156 Fifth Avenue
New York NY 10010-2007

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OFFICE OF PETITIONS

In re Application of :
Novak et al. :
Application No. 11/034,356 : DECISION
Filed: January 13, 2005 : ON PETITION
Attorney Docket No. 394-137DIV:

This is a decision on the PETITION TO REVIVE filed April 25, 2008, pursuant to 37 CFR 1.137(a).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)" or "Renewed Petition under 37 CFR 1.137(b)," as appropriate. Extensions of time are permitted under § 1.136(a).

The above-identified application became abandoned for failure to timely file a response to the restriction requirement mailed September 19, 2007. The Notice set a period for reply of one (1) month. No extensions of time pursuant to 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 20, 2007. A courtesy Notice of Abandonment was mailed on April 11, 2008.

In response, applicants timely filed this petition. The petition includes the required response in the form of an election and payment of the petition fee. Petitioner maintains that the delay in filing a reply was unavoidable as the Office action was not received at the correspondence address of record.

A grantable petition under § 1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 C.F.R. § 1.17(l); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer (and fee as set forth in §1.20(d)) required pursuant to § 1.137(d). The instant petition fails to meet requirement (3).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(*quoting* Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 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). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith, 671 F.2d at 538, 213 U.S.P.Q. at 982. Nonetheless, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines, 673 F. Supp. at 316-17, 5 U.S.P.Q.2d at 1131-32.

A review of the application file reveals no irregularities in the mailing of the restriction requirement. Thus, there is a strong presumption that the correspondence was properly mailed to the applicants at the correspondence address of record. As stated in MPEP 711.03(c):

> The showing required to establish required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received.
>
> A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner's showing of non-receipt is not adequate. The showing includes a statement by the practitioner that the Notice was not received. However, the practitioner does not explicitly assert that a search of the file jacket and docket records indicates that the communication was not received. More importantly, the petition does not include a master docket record showing where the non-received Office communication would have been entered had it been received and docketed.

Having not made an adequate showing of non-receipt of the Office action, the petition cannot be granted under §1.137(a). On

renewed petition, applicants may submit the showing of non-receipt.

In the alternative, while the showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a request for reconsideration pursuant to 37 CFR § 1.137(b) on the basis of unintentional delay. A grantable petition under § 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); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to § 1.137(d).

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

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

By FAX: (571) 273-8300
ATTN: NANCY JOHNSON
SENIOR PETITIONS ATTORNEY

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Law Office of Gerard F. Dunne, P.C.
Suite 1223
156 Fifth Avenue
New York NY 10010-2007

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JAN 22 2009

OFFICE OF PETITIONS

In re Application of :
Novak et al. :
Application No. 11/034,356 : DECISION
Filed: January 13, 2005 : ON PETITION
Attorney Docket No. 394-137DIV:

This is a decision on the RENEWED PETITION TO REVIVE UNDER 37 CFR 1.137(a) filed August 22, 2008. This decision is made in light of the supplement to petition filed January 15, 2009[1].

The petition is **GRANTED**.

The above-identified application became abandoned effective October 20, 2007 for failure to timely file a response to the restriction requirement mailed September 19, 2007. A courtesy Notice of Abandonment was mailed on April 11, 2008.

By decision mailed June 24, 2008, the initial petition under 37 CFR 1.137(a) filed April 25, 2008 was dismissed. Petitioner included the required response in the form of an election and payment of the petition fee. No terminal disclaimer was required to revive the application. However, petitioner failed to meet his burden of establishing that the delay in filing was unavoidable as alleged based on non-receipt of the Office action at the correspondence address of record. Petitioner did not make the necessary showing of non-receipt.

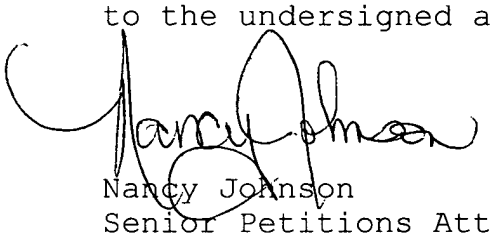
[1] At the request of the undersigned, the practitioner submitted the necessary statement that a search of the file jacket and docket records indicates that the communication was not received at the correspondence address of record.

On instant renewed petition, petitioner explained his docketing system and submitted a copy of his Office's incoming mail log, as well as, copies from the Office's master docket showing where the Office action would have been docketed had it been received. In addition, on January 15, 2009, petitioner supplemented the petition with an assertion that a search of the file jacket and docket records indicates that the Office action was not received at the correspondence address of record.

Having considered the additional showing provided on renewed petition and on supplement to petition, it is concluded that petitioner has now made the required showing of non-receipt of the restriction requirement mailed September 19, 2007. Further, it is concluded that petitioner has now met his burden of establishing that the delay was "unavoidable" within the meaning of 37 CFR 1.137(a). Accordingly, petitioner has now met all requirements for a grantable petition under 37 CFR 1.137(a).

Technology Center AU 3632 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the election submitted on petition filed April 25, 2008.

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



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Patent No. : 7,089,766 B2
Serial No. : 11/034,359
Inventor(s) : Burke et al.
Issued : August 5, 2006
Title : **METHOD OF FORMING OPTICAL FIBER PREFORMS**
Docket No. : SP00-130A

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 37 CFR 1.322 and/or 1.323.

Assignees' and/ or Co-assignees' names and addresses (assignment data) printed in a patent are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, with a request under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;
B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and
C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.
See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items A and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.
Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	571-273-8300 ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Ernest C. White, ***LIE***
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703)
308-9390 x 122 or (703) 305-8228

CORNING INCORPORATED
SP-TI-3-1
CORNING NY 14831

ecw

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CORNING INCORPORATED
SP-TI-3-1
CORNING NY 14831

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JAN 25 2008

OFFICE OF PETITIONS

In re Patent No. 7,089,766 :
Issue Date: August 15, 2006 :
Application No. 11/034,359 : ON PETITION
Filed: January 10, 2005 :
Attorney Docket No. SP00-130A :

This is a decision on the petition filed June 11, 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**.

Pursuant to petitioner's request deposit account no. 03-3325 will be charged the $130.00 processing fee.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3215. 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.

Charlema Grant
Petitions Attorney
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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Alexandria, VA 22313-1450
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STEVEN HOROWITZ, ESQ.
295 MADISON AVE
SUITE 700
NEW YORK NY 10017

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MAR 3 1 2006

OFFICE OF PETITIONS

In re Application of :
Pridgen, John H. :
Application No. 11/034,368 : ON PETITION
Filed: January 11, 2005 :
Title: METHOD AND COMPOSITION FOR RELIEVING SYMPTOMS OF ARTHRITIS AND GOUT USING FRUIT OF MIRACLES :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 11, 2005, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a Declaration from the applicant, along with a copy of the applicant's driver's license and Medicare health insurance card. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 1655 for action on the merits commensurate with this decision.

Liana Chase
Petitions Examiner
Office of Petitions

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Commissioner for Patents
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Alexandria, VA 22313-1450
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Clifford J. Silverman
1460 Guerin Road
Green Oaks, IL 60048

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MAY 14 2008

OFFICE OF PETITIONS

In re Application of :
Clifford J. Silverman :
Application No. 11/034,369 : ON PETITION
Filed: January 12, 2005 :
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.137(b), filed November 6, 2007, to revive the above-identified application, and the letter filed, along with the petition, which is being treated as a petition under 37 CFR 1.183 requesting waiver of the rules.

The petitions are **DISMISSED.**

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed November 10, 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 February 11, 2007. A Notice of Abandonment was mailed on October 9, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. *See* MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (3).

Petitioner further requests waiver of the rules under 37 CFR 1.183. Specifically, petitioner requests that the fee for the petition under 37 CFR 1.137(b) be waived.

37 CFR 1.183 states:

> In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the fee set forth in § 1.17(h).

The petition or request under 37 CFR 1.183 is dismissed because the proper petition or processing fee of $400 required under 37 CFR 1.17 (f) has not been submitted. Moreover, the regulation setting forth the petition fee under 37 CFR 1.137(b) is a requirement of the statutes.

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, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

David Bucci
Petitions Examiner
Office of Petitions

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JUL 14 2008

OFFICE OF PETITIONS

Clifford J. Silverman
1460 Guerin Road
Green Oaks IL 60048

In re Application of :
Clifford J. Silverman :
Application No. 11/034,369 : ON PETITION
Filed: January 12, 2005 :
Attorney Docket No.

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed on July 1, 2008.

The petition is **DISMISSED**.

The record reflects that a non-final Office action was mailed on October 10, 2006, allowing a shortened statutory period for reply of three months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A response was not noted as being received, and the application was held abandoned. A Notice of Abandonment was mailed on October 9, 2007.

The instant petition was filed on July 1, 2008, wherein petitioner maintains that timely response to the non-final Office action was filed. A review of the application file reveals a request for and extension of time within the first month was filed January 31, 2007, and was accompanied by a document labeled "revised claims." Petitioner is advised that a proper response to a non-final Office action is in the form of an amendment to the claims or a continuing application. It is further noted that "revised claims" filed January 31, 2007, were not properly formatted in accordance with 37 CFR 1.121, neither was the purported response to the non-final Office action signed in accordance with 37 CFR 1.33. Because the response filed was not signed it would not have been made of record in the application. In the normal course, petitioner would have been notified of the deficiency in the response and allowed a period in which to respond. It does not appear that this happened in this application. It is noted that this is a courtesy of the Office and not a requirement of any rule or statute. See MPEP 714. Notwithstanding, it is incumbent upon applicants to file a timely and proper reply to the Office actions. In this case, a proper response was not filed within the period set for reply. Based on the facts presented, the application was properly held abandoned on February 11, 2006.

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b) (enclosed). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee ($1540.00 for a large entity or $770.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure : Form PTO/SB/64

PTO/SB/64 (01-08)
Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

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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ATTN: RYAN T. GRACE
MERCHANT & GOULD P.C.
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

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OCT 12 2007

OFFICE OF PETITIONS

In re Application of :
Russell Irvin Sanchez et al :
Application No. 11/034,394 : DECISION ON PETITION
Filed: January 11, 2005 :
Attorney Docket No. 50037.181USC1 :

This is a decision on the petition, filed May 2, 2007, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action mailed May 2, 2006, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on March 23, 2007.

Petitioner asserts that the Office action dated May 2, 2006 was not received.

Office records show the May 2, 2007 Office Action was returned to the U.S. Patent & Trademark Office (USPTO) due to the fact that the envelope did not show any address label for the Applicant. Since the Office Action was returned to the USPTO for failure to provide a proper address, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 2821 for re-mailing the Office action of May 2, 2007. The period for reply will run from the mailing date of the Office action.

Irvin Dingle
Petition Examiner
Office of Petitions

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MERCHANT & GOULD (MICROSOFT)
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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MAR 01 2010

In re Application of	:	
Russell Irvin Sanchez et al.	:	
Application No. 11/034,394	:	DECISION ON PETITION
Filed: January 11, 2005	:	
Attorney Docket No. 50037.181USC1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 3, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment filed, mailed March 12, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days whichever is longer. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 13, 2009. A Notice of Abandonment was mailed on November 6, 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 $1,620 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3655 for appropriate action by the Examiner in the normal course of business on the reply received December 3, 2009.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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MAY 31 2006

OFFICE OF PETITIONS

SYMYX TECHNOLOGIES INC
LEGAL DEPARTMENT
3100 CENTRAL EXPRESS
SANTA CLARA CA 95051

Applicant: Boussie et al.
Appl. No.: 11/034,410
Filing Date: January 12, 2005
U.S. Patent No.: 7,030,256
Issue Date: April 18, 2006
Title: BRIDGED BI-AROMATIC LIGANDS, CATALYSTS, PROCESSES FOR POLYMERIZING AND POLYMERS THEREFROM
Attorney Docket No.: 2002-031R1DIV1
Pub. No.: US 2005/0164872 A1
Pub. Date: July 28, 2005

This is in response to the "Request for A Corrected Or Revised Patent Application Publication under 37 CFR 1.221(b)," which was received on August 26, 2005, for the above-identified application.

The request is DISMISSED as moot.

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

Since the application has already issued as U.S. Patent No. 7,030,256 on April 18, 2006, the request is deemed moot.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

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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
11/034,415	01/12/2005	1775	1000	10541-2147 (V204-0376)	4	18	3

29074
VISTEON
C/O BRINKS HOFER GILSON & LIONE
PO BOX 10395
CHICAGO, IL 60610

CONFIRMATION NO. 1549
CORRECTED FILING RECEIPT

OC000000015747989

Date Mailed: 04/14/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please 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)

Thomas M. Cleary, Belleville, MI;

Assignment For Published Patent Application

Visteon Global Technologies, Inc.

Power of Attorney: The patent practitioners associated with Customer Number **29074**.

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 US11/034,415

Projected Publication Date: 07/13/2006

Non-Publication Request: No

Early Publication Request: No

BEST AVAILABLE COPY

Title

Multilayered article having decorative frit layer for vehicle windshield and method for making same

Preliminary Class

428

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/034,432	01/12/2005	Shane F. Williams	MS311110.01/MSFTP834US	1514

27195 7590 01/23/2009

AMIN, TUROCY & CALVIN, LLP
127 Public Square
57th Floor, Key Tower
CLEVELAND, OH 44114

EXAMINER	
TAN, ALVIN H	

ART UNIT	PAPER NUMBER
2173	

NOTIFICATION DATE	DELIVERY MODE
01/23/2009	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):

docket1@thepatentattorneys.com
hholmes@thepatentattorneys.com
lpasterchek@thepatentattorneys.com

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Himanshu S. Amin
AMIN, TUROCY & CALVIN, LLP
24th Floor, National City Center
1900 E. 9th Street
Cleveland, Ohio 44114

In re Application of:
Shane F. Williams, et al.
Application No. 11/034,432
Filed: January 12, 2005
For: ARCHITECTURE AND ENGINE FOR TIME LINE BASED VISUALIZATION OF DATA

DECISION ON PETITION UNDER 37 C.F.R. § 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed on 14 December 2007, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 11-15, 17-20, 22-27, 29, 30, 32, 34 and 35 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), three (3) 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 was filed with the required fee and was filed with one (1) set of color drawings of Figures 11-15, 17-20, 22-27, 29, 30, 32, 34 and 35. Paragraph [0018] of the specification did contain the required notification described above.

The petition is **DENIED**. However, a renew petition with additional two (2) sets of color drawings of Figures 11-15, 17-20, 22-27, 29, 30, 32, 34 and 35 would be granted.

Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture and Software
(571) 272-3613

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DEC 09 2009

Technology Center 2100

WORKMAN NYDEGGER/MICROSOFT
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY UT 84111

In re Application of:
Shane F. WILLIAMS et al.
Application No. 11/034,432
Filed: January 12, 2005
For: **ARCHITECTURE AND ENGINE FOR TIME LINE BASED VISUALIZATION OF DATA**

DECISION ON PETITION UNDER 37 C.F.R. § 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), originally filed on December 14, 2007, and renewed on August 11, 2009, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 11-15, 17-20, 22-27, 29, 30, 32, 34 and 35 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 was filed with the required fee and was filed with three (3) copies of color drawings of Figures 11-15, 17-20, 22-27, 29, 30, 32, 34 and 35. Paragraph [0018] of the specification contains the required notification described above.

Accordingly, the petition is **GRANTED**.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100
(571) 272-1732

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/034,432	01/12/2005	Shane F. Williams	13768.1272	1514

47973 7590 12/09/2009

WORKMAN NYDEGGER/MICROSOFT
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

EXAMINER	
TAN, ALVIN H	

ART UNIT	PAPER NUMBER
2173	

MAIL DATE	DELIVERY MODE
12/09/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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PERKINS COIE LLP
P.O. BOX 2168
MENLO PARK CA 94026

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SEP 27 2007

OFFICE OF PETITIONS

In re Application of	:	
Morris et al.	:	
Application No. 11/034,435	:	DECISION ON PETITION
Filed: January 11, 2005	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 37167-8043.US01	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed August 13, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed concurrently with the instant 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(s), unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant petition does not comply with item (1) above.

A reference to add the prior-filed application on page one following the first sentence of the specification has been included in a concurrently filed amendment. However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. The court specifically stated:

> Section 120 merely provides a mechanism whereby an application becomes entitled to benefit of the filing date of an earlier application disclosing the same subject matter. Common subject matter must be disclosed, in both applications, either specifically or by an express incorporation-by-reference of prior disclosed subject matter. Nothing in section 120 itself operates to carry forward any disclosure from an earlier application. In re deSeversky, supra at 674, 177 USPQ at 146-147. Section 120 contains no magical disclosure-augmenting powers able to pierce new matter barriers. It cannot, therefore, "limit" the absolute and express prohibition against new matter contained in section 251.

In order for the incorporation by reference statement to be effective as a proper safeguard against the omission of a portion of a prior application, the incorporation by reference statement must be included in the specification-as-filed, or in an amendment specifically referred to in an oath or declaration executing the application. *See* In re deSeversky, *supra*. *Note also* MPEP 201.06(c).

Accordingly, before the petition under 37 CFR 1.78(a)(3) can be granted, a substitute amendment[1] deleting the incorporation by reference statement, along with a renewed petition under 37 CFR 1.78(a)(3), 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 Window located at: U.S. Patent and Trademark Office Customer Service Window 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) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

[1] *Note* 37 CFR 1.121

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OFFICE OF PETITIONS

In re Application of	:	
Morris et al.	:	
Application No. 11/034,435	:	DECISION GRANTING PETITION
Filed: January 11, 2005	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 37167-8043.US01	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed October 9, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional application is submitted after expiration of the period specified by 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the 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 application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed applications. In order for the instant application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3282.

This application is being forwarded to Technology Center Art Unit 3739 for appropriate action on the amendment filed October 9, 2007, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional applications.

Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/034,435	01/11/2005	3739	1250	37167-8043.US01	8	1

CONFIRMATION NO. 1506

CORRECTED FILING RECEIPT

22918
PERKINS COIE LLP
P.O. BOX 2168
MENLO PARK, CA 94026

Date Mailed: 12/31/2007

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

David L. Morris, Sydney, AUSTRALIA;
Steven A. Daniel, Fremont, CA;
Daniel J. Balbierz, Redwood City, CA;

Assignment For Published Patent Application

RITA Medical Systems, Inc.

Power of Attorney:
Joel Harris--44743

Domestic Priority data as claimed by applicant

This application is a CON of 09/938,276 08/22/2001 PAT 7,278,991
which is a CON of 09/797,409 02/28/2001

Foreign Applications

If Required, Foreign Filing License Granted: 02/26/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/034,435**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Tissue surface treatment apparatus and method

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).

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Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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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PERKINS COIE, LLP
P.O. BOX 2168
MENLO PARK, CA 94026

COPY MAILED

AUG 19 2008

In re Application of	:	
MORRIS, et al.	:	
Application No. 11/034435	:	DECISION ON PETITION
Filed: January 11, 2005	:	TO WITHDRAW
Attorney Docket No. R-013/309,794	:	FROM RECORD
	:	

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, 2008.

The request is DISMISSED as moot.

A review of the file record indicates that the power of attorney to PERKINS COIE, LLP has been revoked by the assignee of the patent application on June 10, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: AFS/ANGIODYNAMICS
666 THIRD AVENUE, 10 FLOOR
NEW YORK, NY 10017

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AFS / ANGIODYNAMICS
666 THIRD AVENUE
FLOOR 10
NEW YORK, NY 10017

Mail Date: 04/21/2010

Applicant	: David L. Morris	: DECISION ON REQUEST FOR
Patent Number	: 7625371	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/034,435	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1194** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041

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AUG 2 8 2007

OFFICE OF PETITIONS

In re Application of :
Sung Gu Kang et al. :
Application No. 11/034,442 : DECISION ON PETITION
Filed: January 10, 2005 : TO WITHDRAW
Attorney Docket No. 23976-09923 : FROM RECORD
:

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 5, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Robert A. Hulse 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 reply to the Office action mailed February 8, 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: **Sung Gu Kang**
6614 Folklore Street
San Jose, CA 95120

cc: **Arrow Capital Corp.**
Attn: Steve Trollope
6910 Santa Teresa Blvd., 2nd
San Jose, CA 95119

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/034,442	01/10/2005	Sung Gu Kang	23976-09923

CONFIRMATION NO. 7196

OC000000025576042

758
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

Date Mailed: 08/28/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/05/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Yerri Williams

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

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DR. PETER MIGALY
P O BOX 237
BLAIRSVILLE PA 15717

5/28/09

In re Application of:
MIGALY, PETER
Serial No.: 11/034,447
Filed: Jan. 12, 2005
Docket: 4730-050007
Title: METHOD OF DIAGNOSING, TREATING AND EDUCATING INDIVIDUALS WITH AND/OR ABOUT DEPRESSION

DECISION ON PETITION

This is a decision on the petition filed on April 20, 2009 by which petitioner requests the Director to review the examiner's Office action of March 17, 2009 and withdraw the restriction requirement. This petition is considered pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is DISMISSED AS PREMATURE.

Initially, it is pointed out that the petition requests two different forms of relief. This is impermissible under 37 CFR § 1.4(c). This decision will only address the issues under 37 CFR § 1.181. No fee is required under this section. For example, on page 12 of the petition, the requested relief on the procedural objection regarding the USPTO rules making and drafting, e.g. not permitting extension of time more than six months, will not be decided at the TC 3700 level. Petitioner must file a separate petition to the Petitions Office for relief of any objections to any USPTO procedural matters.

The record shows that:

On September 29, 2008, the examiner issued a restriction requirement. In the amendment of November 28, 2008, the applicant elected Group I invention and added new claims 53-57. On March 17, 2009, the examiner issued a new restriction requirement. On April 20, 2009 the applicant responded with the current petition to review the restriction requirement of March 17, 2009. Petitioner argues that the restriction requirement was improperly issued. In particular, petitioner presented a total of twelve points of arguments; in essence, the examiner improperly issued the restriction requirement of March 17, 2009. The arguments raised in the Paragraphs 9,

10 and 11 of the petition were directed to the examiner's demeanor, refusal to assist the applicant in claim drafting and grant an interview. Finally, on page 12 of the petition, petitioner objects to the USPTO rules because the rules are discriminatory.

Discussion and Analysis

A review of the record reveals that on March 17, 2009 the examiner issued a restriction requirement. In the restriction requirement, the examiner stated in the Office action that twelve groups of inventions are independent or distinct. In the petition, petitioner disagrees with the examiner's restriction requirement for various reasons as stated in Paragraphs 1-8 of the petition. Since the examiner did not have a chance to answer the questions and arguments raised by the petitioner and repeat the restriction of the Office Action of March 17, 2009, the petition is hereby dismissed as premature in accordance with 37 CFR 1.181(c)[1] and (37 CFR 1.144[2]). Under the circumstances, the examiner is directed to fully answer the applicant's arguments raised in Paragraphs 1-8 of the petition.

With regard to Paragraph 9 of the arguments in the petition, a review of the Office actions does not show that the examiner has been examining the application in an arbitrary and capricious manner. There is no reason to believe the examiner would not conduct business in a professional manner. Any complaint regarding the examiner's demeanor should be submitted in a separate paper in accordance with 37 CFR 1.3.

With regard to the arguments raised in Paragraphs 10 and 11, the examiner is also directed to assist the applicant in claim drafting when there is any allowable subject matter found. The applicant may feel free to call the examiner to schedule a personal interview at a mutually convenience time and day.

Regarding the objection of USPTO rules, this decision will not address petitioner's rule objection. Petitioner must file a separate petition to the Petitions Office to seek relief, if any.

At the bottom of page 12 of the petition, the applicant has elected Group I invention. The examiner now is required to consider the applicant's election of Group I invention on the merits and fully answer all arguments presented by the applicant as listed in Paragraphs 1-8 of the petition.

Petitioner is reminded that in order to preserve a right to petition under 37 CFR 1.144, the election must be made with traverse. If the reply does not distinctly and specifically point out

---

[1] 37 CFR 1.181(c) 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. The examiner may be directed by the Director to furnish a written statement, within a specified time, setting forth the reasons for his or her decision upon the matters averred in the petition, supplying a copy to the petitioner.

[2] § 1.144 Petition from requirement for restriction: After a final requirement for restriction, the applicant, in addition to making any reply due on the remainder of the action, may petition the Director to review the requirement. Petition may be deferred until after final action on or allowance of claims to the invention elected, but must be filed not later than appeal. A petition will not be considered if reconsideration of the requirement was not requested (see § 1.181).

supposed errors in the restriction requirement of March 17, 2009, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition. Should applicant traverse on the ground that the various inventions are not patentably distinct applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case (see pages 4-5 of the Office action of March 17, 2009). In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103 (a) of the other inventions.

Conclusion

For the reasons outlined above, petitioner's request to overrule the examiner and withdraw the restriction requirement is premature and cannot be granted. The examiner is directed to reconsider the restriction requirement of March 17, 2009 in light of the arguments presented in the petition of April 20, 2009.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3774 for reconsideration of the restriction requirement and consideration of the applicant's response filed on April 20, 2009. 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 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.

The petition is DISMISSED AS PREMATURE.

Donald T. Hajec, Director
Technology Center 3700

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DR. PETER MIGALY
P O BOX 237
BLAIRSVILLE PA 15717

In re Application of:
MIGALY, PETER
Serial No.: 11/034,447
Filed: Jan. 12, 2005
Docket: 4730-050007
Title: METHOD OF DIAGNOSING, TREATING AND EDUCATING INDIVIDUALS WITH AND/OR ABOUT DEPRESSION

8/26/09

DECISION ON PETITIONS

This is a decision on the renewed petition filed on July 22, 2009 by which petitioner requests the Director to review the examiner's Office action of March 17, 2009 and withdraw the restriction requirement. This petition is considered pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is DISMISSED AS MOOT

This decision will only address the issues under 37 CFR § 1.181 within the current application, SN 11/034,447. The decision will not address the copending application SN 10/327,358. In the renewed petition, petitioner requests the restriction requirement of March 17, 2009 be reconsidered and withdrawn because the restriction requirement was improperly issued. A review of the prosecution history shows that on August 19, 2009, the examiner has withdrawn the restriction requirement and issued an Office action on the merits on all pending claims.

After a careful study of the entire prosecution history, the relief requested in the petition has occurred when the examiner withdrew the restriction requirement in the Office action of August 19, 2009. Therefore, the relief requested became moot.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3774 awaiting the applicant's response to the non-final Office action of August 19, 2009. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITIONS DISMISSED AS MOOT

Robert Olszewski, Director
Technology Center 3700

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JUN 18 2007

OFFICE OF PETITIONS

In re Application of :
Jeff Nelson et al. :
Application No. 11/034,449 : DECISION ON PETITION
Filed: January 10, 2005 : TO WITHDRAW
Attorney Docket No. 3123-621 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 13, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Hansra Patent Services has been revoked by the assignee of the patent application on May 7, 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: **Myers Bigel Sibley & Sajovec**
PO Box 37428
Raleigh, NC 27627

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Paper No.

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

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OFFICE OF PETITIONS

In re Application of :
Laramee et al. : DECISION ON PETITION
Application No. 11/034,450 :
Filed: January 12, 2005 :
Atty Docket No. 3487-045012 :

This is a decision on the PETITION UNDER 37 C.F.R. § 1.182, filed October 14, 2005, to change the order of the names of the inventors.

The petition is **GRANTED**.

The order of the names of the inventors has been changed as follows:

1. James A. Laramee
2. Robert B. Cody

A filing receipt reflecting this change is enclosed.

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: Filing Receipt

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Mail Date: 04/20/2010

Applicant	: Richard Vallee	: DECISION ON REQUEST FOR
Patent Number	: 7570595	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/034,455	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **617** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days,** whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

NOV 16 2007

In re Application of
Franciscus W. H. M. Merkus
Serial No.: 11/034,474
Filed: January 13, 2005
Attorney Docket No.: 31235/43079

: PETITION DECISION

This is in response to the petition under 37 CFR 1.181, filed September 17, 2007, requesting withdrawal of the Finality of the Office action mailed August 9, 2007.

BACKGROUND

A review of the file history shows that the examiner mailed a first Office action to applicant on February 27, 2007, setting forth a rejection of claims 1-3, 5-14 and 18-28 under 35 U.S.C. 112, second paragraph, as indefinite. Claims 1-2, 4-7, 12-13, 18-23 and 25-29 were rejected under 35 U.S.C. 102(b) as anticipated by Anthony; and claims 1-37 were rejected under 35 U.S.C. 103(a) a unpatentable over Knoester et al in view of Anthony, Rabinowitz et al and Burghart et al. Claims 1-37 were also rejected for obvious double patenting over SN 11/221,663 in view of Knoester et al.

Applicant replied on May 23, 2007, by amending claims 1, 4 and 19 and cancelling claims 7, 12, 18 and 29. The rejections of record were addressed and argued appropriately and the rejection for obvious double patenting was requested to be held in abeyance pending determination of otherwise allowable subject matter.

The examiner mailed a Final Office action to applicant on August 9, 2007, withdrawing all of the rejections of record in view of applicant's amendments. The examiner then set forth a new rejection of claims 30-37 under 35 U.S.C. 112, second paragraph, as indefinite as depending on a canceled claim. Claims 1-6, 8-9, 11, 13-17, 19-22 and 25-28 were rejected under 35 U.S.C. 103(a) as unpatentable over Penkler in view of Goldberg. Claims 10 and 24 were rejected under 35 U.S.C. 103(a) as unpatentable over Penkler in view of Goldberg and further in view of March. Claim 23 was rejected under 35 U.S.C. 103(a) over Penkler in view of Goldberg further in view of Davis et al. Claims 1-6, 8-11, 13-17, 19-28 and 30-37 were also rejected for obvious double patenting over SN 11/221,663 in view of Penkler and Goldberg. The examiner justified Finality in view of applicant's amendments to the claims.

Applicant filed this petition on September 17, 2007, and a reply to the Office action on October 9, 2007.

DISCUSSION

Applicant requests withdrawal of the finality of the Office action of August 9, 2007, on the basis that the amendments to claim 1 merely incorporated limitations from canceled dependent claims which were made, at least in part, to overcome the rejections under 35 U.S.C. 112, second paragraph, and should have been anticipated by the examiner in preparing the first Office action.

A review of claim 1 and the limitations of the canceled claims shows that applicant did, in response to the first Office action, incorporate the limitations of claims 7 (aqueous solution), 12 (pH limitation) and 18 (intranasal administration) into claim 1. In preparing the first Office action the examiner did not specifically address these limitations collectively in the rejections of record. However, it would have been expected of the examiner to consider these limitations and review the references of record, mostly supplied by applicant, and apply references which would address these limitations collectively. It is not unreasonable, as argued by applicant, to expect limitations of dependent claims to be added to an independent claim in response to a rejection thereof in order to define over applied prior art. Such amendments are not of such a nature as to require the examiner to make a new search and rejection.

In view of the circumstances, the Finality of the Office action of August 9, 2007, in view of the new rejections, including the rejection for obvious double patenting, was premature and is hereby withdrawn.

DECISION

The petition is **GRANTED.**

The Office action mailed August 9, 2007, is redesignated a non-Final Office action and applicant's reply thereto, received October 9, 2007, will be considered a reply to a non-Final Office action. The application will be forwarded to the examiner for further action not inconsistent with this decision.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number 571-273-8300.

Bruce M. Kisliuk
Director, Technology Center 1600

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Paper No.

Ivor R. Elrifi, Esq.
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C
One Financial Center
Boston MA 02111

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OFFICE OF PETITIONS

In re Application of	:	
Merkus	:	
Application No. 11/034,474	:	ON APPLICATION FOR
Filed: January 13, 2005	:	PATENT TERM ADJUSTMENT
Atty Docket No. 37503-501N01US	:	
Title: PHARMACEUTICAL COMPOSITIONS COMPRISING MIDAZOLAM IN A HIGH CONCENTRATION	:	

This is in response to the "REQUEST FOR RECONSIDERTAION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705(b)," filed November 20, 2009. Applicant submits that the correct patent term adjustment to be indicated on the patent is four hundred and one (401) days, not three hundred and twenty-three (323) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under

§ 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is apprcpriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee.[1]
The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months

---

[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 regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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60 EAST SOUTH TEMPLE,
SUITE 1800
SALT LAKE CITY, UT 84111

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APR 12 2010

OFFICE OF PETITIONS

In re Application of :
Palu et al. :
Application No. 11/034,505 : DECISION ON PETITION
Filed: January 13, 2005 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 10209.607 : UNDER 37 CFR 1.78(a)(6)

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed October 23, 2009, to accept an uni5ntentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The instant petition does not comply with item (1) above.

A reference to add the above-noted, prior-filed applications on page one following the first sentence of the specification has been included in a concurrently filed amendment. However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. The court specifically stated:

> Section 120 merely provides a mechanism whereby an application becomes entitled to benefit of the filing date of an earlier application disclosing the same

> subject matter. Common subject matter must be disclosed, in both applications, either specifically or by an express incorporation-by-reference of prior disclosed subject matter. Nothing in section 120 itself operates to carry forward any disclosure from an earlier application. In re deSeversky, supra at 674, 177 USPQ at 146-147. Section 120 contains no magical disclosure-augmenting powers able to pierce new matter barriers. It cannot, therefore, "limit" the absolute and express prohibition against new matter contained in section 251.

In order for the incorporation by reference statement to be effective as a proper safeguard against the omission of a portion of a prior application, the incorporation by reference statement must be included in the specification-as-filed, or in an amendment specifically referred to in an oath or declaration executing the application. *See* In re deSeversky, *supra*. *Note also* MPEP 201.06(c).

Further, petitioner requests that nonprovision Application No. 11/034,505 filed January 13, 2005 claim benefit of provisional Application No. 60/458,353 filed March 28, 2003, under U.S.C. 119(c). However, the instant application was not filed within twelve months from the filing date of the provisional application, and there is no indication of another intermediate nonprovisional application that is directly claiming the benefit of the provisional application and filed within 12 months of the filing date of the provisional application. Therefore, since the instant application was filed on January 13, 2005 copendency does not exists between these two applications. Copendency between the instant application and the prior application is required. Since the applications are not copending, the benefit claim to the prior-filed provisional is improper.

Accordingly, before the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) can be granted, a substitute amendment[1] deleting the incorporation by reference statement and deleting the reference to the prior-filed application from the first sentence(s) of the specification, or the application data sheet, depending on where the reference was originally submitted, unless applicant can establish copendency between the applications along with a renewed petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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Post Office Box 1450
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By hand: Customer Window located at:
U.S. Patent and Trademark Office
Customer Service Window 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 Alicia Kelley at (571) 272-6509.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

---

[1] *Note* 37 CFR 1.121

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JUN 19 2008

OFFICE OF PETITIONS

In re Application of :
Stephen Dabrowski :
Application No. 11/034,511 : DECISION ON PETITION
Filed: January 12, 2005 : TO WITHDRAW
Attorney Docket No. 028338-0154 : FROM RECORD
:

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 6, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Foley & Lardner, LLP has been revoked by the assignee of the patent application on May 23, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: MR. WILLIAM SCOTT ANDES
GE AVIATION
1 NEUMANN WAY, MD-H17
CINCINNATI, OH 45215-6301

UNITED STATES PATENT AND TRADEMARK OFFICE

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KLARQUIST SPARKMAN LLP
121 S.W. SALMON STREET
SUITE 1600
PORTLAND, OR 97204

Mail Date: 04/21/2010

Applicant	: Richard Dievendorff	: DECISION ON REQUEST FOR
Patent Number	: 7634777	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/034,517	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/06/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **909** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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AUG 1 8 2008

In re Application of :
Francesco CARUSI et al. :
Application No. 11/034,547 : DECISION ON PETITION
Filed: January 13, 2005 :
Attorney Docket No. FR920040006US1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 27, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, November 14, 2007, 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 February 15, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,540.00; and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of November 14, 2007 is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,050.00 extension of time fee submitted with the petition on May 27, 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 Michelle R. Eason at (571) 272-4231.

The application file is being referred to Technology Center AU 2192 for appropriate action on the concurrently filed amendment.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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JAN 19 2006

OFFICE OF PETITIONS

In re Application of :
Saverio Carl Falco :
Application No. 11/034,564 : DECISION ON PETITION
Filed: January 13, 2005 : UNDER 37 CFR 1.137(b)
Attorney Docket No. BB1430 US DIV :

This is a decision on the petition under 37 CFR 1.137(b), filed October 25, 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)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(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 lacks item (1) above.

This application became abandoned for failure to timely reply within two months to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 10, 2005, which

required the submission of an executed oath or declaration in compliance with 37 CFR 1.63, a $130 surcharge fee, and an abstract. On September 1, 2005, the Office received an executed declaration and the $130 surcharge fee; however, as the abstract required by the Notice of March 10, 2005 was not received, a Notice of Incomplete Reply (Nonprovisional) was mailed on September 14, 2005. No reply was received; therefore, this application became abandoned on September 11, 2005.

The present petition to revive is accompanied by the abstract. However, the declaration submitted is defective in that it fails to set forth the inventor's residence as required by 37 CFR 1.63(c)(1). Accordingly, upon receipt of an executed oath or declaration in compliance with 37 CFR 1.63(c)(1) or an Application Data Sheet in compliance with 37 CFR 1.76(b)(1), the petition to revive will be granted.

Further correspondence with respect to this matter should be addressed as follows:

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Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

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JAN 27 2006

OFFICE OF PETITIONS

In re Application of :
Saverio Carl Falco :
Application No. 11/034,564 : DECISION ON PETITION
Filed: January 13, 2005 : UNDER 37 CFR 1.137(b)
Attorney Docket No. BB1430 US DIV :

This is a **substitute** decision on the petition under 37 CFR 1.137(b), filed October 25, 2005, to revive the above-identified application. The decision on petition mailed January 19, 2006 is vacated.[1]

The petition is **GRANTED**.

This application became abandoned for failure to timely reply within two months to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 10, 2005, which required the submission of an executed oath or declaration in compliance with 37 CFR 1.63, a $130 surcharge fee, and an abstract. On September 1, 2005, the Office received an executed declaration and the $130 surcharge fee; however, as the abstract required by the Notice of March 10, 2005 was not received, a Notice of Incomplete Reply (Nonprovisional) was mailed on September 14, 2005. No reply was timely received; therefore, this application became abandoned on September 11, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply required by

---

[1] The petition was originally dismissed because the declaration was found defective in that it did not list the inventor's residence as required by 37 CFR 1.63(c)(1) nor was an ADS in compliance with 37 CFR 1.78(b)(1) found in the record. However, a further review of the record does disclose the presence of an ADS, on filing, which sets forth the inventor's residence. Accordingly, the petition of October 25, 2005 was improperly dismissed. The Office sincerely apologizes for any inconvenience this may have caused petitioner.

the Notice of March 10, 2005; (2) the petition fee of $1,500; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of March 10, 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 pre-examination processing.

Frances Hicks
Petitions Examiner
Office of Petitions

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YORKTOWN HEIGHTS, NY 10598

Mail Date: 04/20/2010

Applicant	: Alessandro C. Callegari	: DECISION ON REQUEST FOR
Patent Number	: 7667277	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/034,597	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **662** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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JUL 0 7 2005

OFFICE OF PETITIONS

In re Application of
John C. Spiller et al.
Application No. 11/034,602
Filed: January 13, 2005
Attorney Docket No. EBKP002US0

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed June 27, 2005 (June 24, 2005 certificate of mail date).

The petition is **DISMISSED.**

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on January 13, 2005, without an executed oath or declaration. Accordingly, on February 24, 2005, a "Notice To File Missing Parts of Application" was mailed, requiring, *inter alia*, an executed oath or declaration, and a surcharge for its late filing.

In response, the instant petition under 37 CFR 1.47(a), and the required petition fee and surcharge for late filing; request and payment of the fee for a two (2) month extension of the time for reply to the Notice to File Missing Part, and a declaration signed by joint inventor Patrick Roney on behalf of himself and joint inventor John C. Spiller was filed.

Petitioners assert that joint inventor Spiller is now deceased, having died prior to the filing of the instant application, that Mr. Spiller died with a will but that to date no known legal representative exists and further that there does not appear to be any plans to probate his estate.

37 CFR 1.42 states, in part:

> In the case of the death of the inventor, the legal representative (executor,

administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor, or legal representative thereof, cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
(3) the petition fee; and
(4) a statement of the last known address of the non-signing inventor.

The present petition lacks items (1), (2) and (4).

At the outset, petitioners are advised that 37 CFR 1.47 is not considered an alternative to 37 CFR 1.42 since the language "cannot be found or reached after diligent effort" has no reasonable application to a deceased inventor.[1] 37 CFR 1.42 states that when the inventor is dead, the legal representative may make the necessary oath or declaration. 37 CFR 1.47 will apply when a known legal representative cannot be found or refuses to sign the declaration. In such cases, the last known address of the legal representative must be established before the grant of a patent.[2]

Presumably a legal representative has been named in the will of the deceased inventor, and as such is "known" although the will hasn't yet been probated and thus he may not yet be recognized by the court of competent jurisdiction as the legal representative. Nonetheless, Larry Wilkerson has been identified as the executor in the will of the deceased inventor. To establish 37 CFR 1.47 status, petitioner must submit a 37 CFR 1.47 petition on behalf of Larry Wilkerson as the legal representative of the deceased inventor.

In regards to item (1), the mere statement that a legal representative could not be located, is insufficient and inaccurate. Additionally, Mr. Spiller's legal representative or heirs will have to be proffered the complete application papers (specification, including claims, drawings, if any, and the declaration) for signature.[3] In the event that the legal representative or heirs refuse to sign the declaration, petitioners may provide proof that a copy of the application was sent or given to the legal representative for review by

---

[1] *In re Application Papers Filed September 10, 1954*, 108 USPQ 340 (Comm'r Pat. 1955).

[2] See 37 CFR 1.42.

[3] See also MPEP 409.01(a),(b); 409.03(c).

providing, with a renewed petition, a copy of the cover letter transmitting the application papers to the legal representative or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

In the event that Spiller's legal representative refuses in writing to sign the declaration, petitioners should provide a copy of the written refusal with any renewed petition. If the refusal is made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

In regards to item (2), the oath or declaration must identify the name, residence, mailing address, and citizenship of the legal representative of the deceased inventor, and state that the legal representative is signing on behalf of the deceased joint inventor. A new oath or declaration in compliance with 37 CFR 1.63 and 1.64, containing the information described in this paragraph, is required.

In reference to item (4), above, the petition must include the last known address of the legal representative of the deceased joint inventor.

As well, please be advised that effective November 22, 2004, the petition fee has been increased to $200.00. Therein, deposit account no. 50-2726 has been charged in the amount of $70.00 pursuant to 37 CFR 1.17(g) to make up the difference between that which was paid ($130.00) and that which was due ($200.00). See the Notice published in the Federal Register on September 21, 2004 and in the Official Gazette of the United States Patent and Trademark Office on October 12, 2004.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By fax: (703) 872-9306
ATTN: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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SUITE 3200
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OFFICE OF PETITIONS

In re Application of
John C. Spiller et al.
Application No. 11/034,602
Filed: January 13, 2005
Attorney Docket No. EBKP002US0

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the request for reconsideration, filed September 7, 2005, under 37 CFR 1.47(a)[1].

The petition is **DISMISSED.**

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on January 13, 2005, without an executed oath or declaration. Accordingly, on February 24, 2005, a "Notice To File Missing Parts of Application" was mailed, requiring, *inter alia*, an executed oath or declaration, and a surcharge for its late filing. In response, a petition under 37 CFR 1.47(a), and the required petition fee and surcharge for late filing; request and payment of the fee for a two (2) month extension of the time for reply to the Notice to File Missing Part, and a declaration signed by joint inventor Patrick Roney on behalf of himself and joint inventor John C. Spiller was filed. The petition was dismissed in a decision mailed July 7, 2005 because the petition lacked (1) proof that the non-signing inventor, or legal representative thereof, 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.

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[1] A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor, or legal representative thereof, 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.

§§ 115 and 116; and (3) the last known address of the non-signing inventor. Petitioners asserted that joint inventor Spiller is now deceased, having died prior to the filing of the instant application, and that Mr. Spiller died with a will. Although petitioners identified Larry Wilkerson as an executor named in the will, it was argued that no known legal representative existed because they were not aware of any plans for Mr. Spiller's will to be probated.

37 CFR 1.42 states, in part:

> In the case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Petitioners have shown that Mr. Wilkerson, as the legal representative of the estate of the deceased inventor, John C. Spiller, has been forwarded the application papers and that Mr. Wilkerson has expressly, in writing, refused to execute the oath or declaration and to cooperate with the filing of the instant application.

However, in regards to item (2), the oath or declaration must indicate that the inventor is deceased and identify the name, residence, mailing address, and citizenship of the legal representative of the deceased inventor, even if the legal representative has refused to sign on behalf of the deceased joint inventor.

Although petitioner has indicated that a declaration with the above attached information was being filed with the petition, no such attachment has been found amongst the papers filed with the petition. The declaration filed only has the signature of joint inventor Roney and no signature block for the legal representative signing on behalf of the deceased inventor.

A new oath or declaration in compliance with 37 CFR 1.63 and 1.64, containing the information described in this paragraph, is required.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By fax:
(571) 273-8300
ATTN: Office of Petitions

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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FORTKORT GRETHER + KELTON LLP
9442 N. CAPITAL OF TEXAS HWY.
SUITE 500
AUSTIN TX 78759

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FEB 0 1 2006

OFFICE OF PETITIONS

In re Application of
John C. Spiller et al.
Application No. 11/034,602
Filed: January 13, 2005
Attorney Docket No. EBKP002US0

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the request for reconsideration, filed January 6, 2006, under 37 CFR 1.47(a)[1].

The petition is **GRANTED**.

The above-identified application was filed on January 13, 2005, without an executed oath or declaration. Accordingly, on February 24, 2005, a "Notice To File Missing Parts of Application" was mailed, requiring, *inter alia*, an executed oath or declaration, and a surcharge for its late filing. In response, a petition under 37 CFR 1.47(a), and the required petition fee and surcharge for late filing; request and payment of the fee for a two (2) month extension of the time for reply to the Notice to File Missing Part, and a declaration signed by joint inventor Patrick Roney on behalf of himself and joint inventor John C. Spiller was filed. The petition was dismissed in a decision mailed July 7, 2005 because the petition lacked (1) proof that the non-signing inventor, or legal representative thereof, 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; and (3) the last known address of the non-signing inventor.

A request for reconsideration was filed September 7, 2005 and dismissed in a decision mailed November 9, 2005 because a proper oath or declaration identifying the Legal Representative had not been provided.

---

[1]A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor, or legal representative thereof, 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 oath or declaration must indicate that the inventor is deceased and identify the name, residence, mailing address, and citizenship of the legal representative of the deceased inventor, even if the legal representative has refused to sign on behalf of the deceased joint inventor or cannot be located.

The instant request for reconsideration has provided an oath or declaration with the signature of joint inventor Roney and a signature block for the legal representative signing on behalf of the deceased inventor, in compliance with 37 CFR 1.63 and 1.64.

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. All requirements under 37 CFR 1.47(a) therefore having been met, as provided in Rule 1.47(c), this Office will forward notice of this application's filing to the Legal Representative 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 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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Alexandria, VA 22313-1450
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JOHN A. FORTKORT
9442 N. CAPITAL OF TEXAS HWY, SUITE 500
AUSTIN, TX 78759

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of
John C. SPILLER, et al.
Application No. 11/034,602
Filed: January 13, 2005
Attorney Docket No. **EBKP002US0**

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 5, 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 A. Fortkort on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the first named signing inventor William P. Roney at the address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **WILLIAM PATRICK RONEY**
906 DEER GROVE
CEDAR PARK, TX 78613

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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JJGJR.: 07-05

Paper No: __

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY NY 11530

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JUL 2 6 2005

OFFICE OF PETITIONS

In re Application of
Johnson, et al.
Application No. 11/034,606
Filing Date: 13 January, 2005
Attorney Docket No. 17888 (EM-01998)

DECISION ON PETITION

This is a decision on the petition filed 10 May, 2005, under 37 C.F.R. §1.53 and §1.181, and considered under 37 C.F.R. §1.53.

The petition is **GRANTED in part**, and **DISMISSED in part**.

BACKGROUND

The application was deposited on 13 January, 2005.

On 6 April, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice" stating that the application had not been accorded a filing date because it had been deposited without drawings as required under 35 U.S.C. 113 (first sentence). OIPE indicated that Petitioner might contend via petition either that the drawings were submitted or that they were not necessary for a filing date, and OIPE set a two- (2-) month period for reply.

On 10 May, 2005, Petitioner submitted the instant petition, seeking a 13 January, 2005, filing date for the application.

NOTE: **While Petitioner expressly requested the 13 January, 2005, Petitioner also submitted drawings–suggesting that obtaining a filing date with the drawings also might be a goal of the papers filed. For clarification of this matter, a call was made on 25 July, 2005, to Petitioner's office to confirm that an intention of the instant petition was not to obtain a filing date for the drawings. Petitioner so confirmed.**

Petitioner states therein: "[E]ven if the present application was submitted without drawings, the present applications (sic) is still complete and entitled to the January 13, 2005, filing date for the reason that neither of Figure 1 and 2 are (sic) necessary for an understanding of the present application."

Moreover, Petitioner does not assert that the missing drawings were deposited on 13 January, 2005.

ANALYSIS

Petitioner has alleged, *inter alia*, that the instant application does not require drawings for the understanding of the subject matter to be patented and requested that the application be accorded a filing date of 13 January, 2005.

A review of the instant application indicates that the invention claimed "is directed to optical coatings . . . " (See: MPEP §601.01(f)(A).)

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 the understanding of the invention under 35 U.S.C. §113 (first sentence). (See: MPEP §601.01[1])

---

[1] The commentary at MPEP §601.01 provides in pertinent part:

* * *

601.01(f) Applications Filed Without Drawings

35 U.S.C. 111(a)(2)(B) and 35 U.S.C. 111(b)(1)(B) each provide, in part, that an "application shall include . . . a drawing as prescribed by section 113 of this title" and 35 U.S.C. 111(a)(4) and 35 U.S.C. 111(b)(4) each provide, in part, that the "filing date . . . shall be the date on which . . . any required drawing are received in the Patent and Trademark Office." 35 U.S.C. 113 (first sentence) in turn provides that an "applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented.

Applications filed without drawings are initially inspected to determine whether a drawing is referred to in the specification, and if not, whether a drawing is necessary for the understanding of the invention. 35 U.S.C. 113 (first sentence).

It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). The same practice has been followed in composition applications.

The same practice has been followed in composition applications. Other situations in which drawings are usually not considered necessary for the understanding of the invention under 35

U.S.C. 113 (first sentence) are:

(A) *Coated articles or products*: where the invention resides solely in coating or impregnating a conventional sheet (*e.g.*, paper or cloth, or an article of known and conventional character with a particu lar composition), unless significant details of structure or arrangement are involved in

The arguments in the petition will be construed to mean that Petitioner, a registered practitioner before the Office, asserts that drawings are not necessary for a filing date in this application. Drawings will not be further considered as a part of this case.

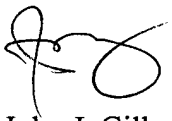
In view of the above, the Notice mailed on 6 April, 2005, hereby is withdrawn to the extent that it indicates no filing date will be granted.

The petition is **granted in part**, to the extent that the application will be accorded the filing date of 13 January, 2005, without the drawings containing Figures 1 and 2 as part of the original disclosure of the application; in all other respects the petition **is dismissed**.

The petition fee is waived and will be refunded via Treasury check.

The application is being referred to the Office of Initial Patent Examination to be processed for correction of the filing date to 13 January, 2005, with the eight (8) pages of specification (description, claims, abstract) deposited on 13 January, 2005, and no drawings as the original disclosure.

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3214.



John J. Gillon, Jr.
Senior Attorney
Office of Petitions

---

the article claims;

* * *

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, not describing drawing figures in the specification, and filed without drawings will simply be processed for examination, so long as the application contains something that can be construed as a written description. 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. In a situation in which the appropriate Technology Center (TC) determines that drawings are necessary under 35 U.S.C. 113 (first sentence) the filing date issue will be reconsidered by the USPTO.

* * *

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SCHWABE, WILLIAMSON & WYATT, P.C.
1420 FIFTH, SUITE 3010
SEATTLE, WA 98101

Mail Date: 04/21/2010

Applicant	: Arun C. Alex	: DECISION ON REQUEST FOR
Patent Number	: 7660582	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/034,614	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **484** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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SCHWABE, WILLIAMSON & WYATT, P.C.
1420 FIFTH, SUITE 3400
SEATTLE, WA 98101-4010

Mail Date: 05/18/2010

Applicant : Arun C. Alex
Patent Number : 7660582
Issue Date : 02/09/2010
Application No: 11/034,614
Filed : 01/13/2005

: 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 **519** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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P.O. BOX 1450
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Law Offices of Mark L. Berrier
3811 Bee Caves Road
Suite 204
Austin, TX 78746

MAILED

FEB 15 2006

TECHNOLOGY CENTER 2100

In re Application of: Paul V. MORINVILLE
Application No. 11/034,620
Filed: January 13, 2005
For: SYSTEMS AND METHODS FOR RULE INHERITANCE

DECISION ON PETITION TO MAKE SPECIAL UNDER M.P.E.P. §708.02(II): INFRINGEMENT

This is a decision on the petition, filed January 6, 2006, under 37 C.F.R. 1.102(d) and M.P.E.P. §708.02(II): Infringement, to make the above-identified application special.

A grantable petition under 37 C.F.R. 1.102(d), and M.P.E.P. §708.02, Section II, must be accompanied by payment of the fee ($130.00) under 37 C.F.R. 1.17(h) and a statement under 37 C.F.R. 1.102 by the applicant or assignee or statements by an attorney/agent registered to practice before the Patent and Trademark Office that: ***(A)*** there is an infringing device or product actually on the market or method in use; ***(B)*** a rigid comparison of the alleged infringing device, product, or method ***with the claims of the instant application*** has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and ***(C)*** 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. In addition, ***Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims***. Models or specimens of the infringing product or that of the application should not be submitted unless requested.

Applicant's submission is deficient because the accompanying declaration in support of the petition to make special by Paul V. Morinville fails to properly identify the instant application. This declaration is apparently directed to parent application SN 09/990,954 and the claims therein. In addition, the instant application filing date is misidentified as April 21, 2001 in the header and January 30, 2004 in the body of the declaration. Further, the declaration appears to have been signed on January 7, 2006 after having been filed with the USPTO on January 6, 2006. Clarification is required. Finally, it is recommended and in accordance with M.P.E.P. §708.02, that Applicant ***provide one copy of the references*** deemed to be most closely related to the subject matter encompassed by ***the claims of the instant application***.

Therefore, since it cannot be readily ascertained which application the submitted declaration filed on January 6, 2006 is directed to, accordingly, the Petition is **DISMISSED**.

If petitioner desires further review of this decision, petitioner should file a Request for Reconsideration within two (2) months of the mailing date of this decision. Telephone inquiries should be directed to the undersigned at (571) 272-3595.

Brian L. Johnson
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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APR 20 2006

Technology Center 2100

Law Offices of Mark L. Berrier
3811 Bee Caves Road
Suite 204
Austin, TX 78746

In re Application of: Paul V. MORINVILLE
Application No. 11/034,620
Filed: January 13, 2005
For: SYSTEMS AND METHODS FOR RULE INHERITANCE

DECISION ON RENEWED PETITION TO MAKE SPECIAL UNDER M.P.E.P.§708.02(II): INFRINGEMENT

This is a decision on the renewed petition, filed March 13, 2006, under 37 C.F.R. 1.102(d) and M.P.E.P. §708.02(II): Infringement, to make the above-identified application special. The original petition, filed January 6, 2006, was dismissed in a decision mailed February 15, 2006.

A grantable petition under 37 C.F.R. 1.102(d), and M.P.E.P. §708.02, Section II, must be accompanied by payment of the fee under 37 C.F.R. 1.17(h) and a statement under 37 C.F.R. 1.102 by the applicant or assignee or statements by an attorney/agent registered to practice before the Patent and Trademark Office that: (A) there is an infringing device or product actually on the market or method in use; (B) 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) 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.

The renewed petition includes all of the requirements set forth above. 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 and 37 C.F.R. 1.102.

Brian L. Johnson
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
(571) 272-3595

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JUN 16 2008

OFFICE OF PETITIONS

ALIGN TECHNOLOGY C/O WAGNER BLECHER LLP
123 WESTRIDGE DRIVE
WATSONVILLE CA 95076

In re Application of :
Kuo : DECISION ON PETITION
Application No. 11/034,625 :
Filed: January 13, 2005 :
For: AT-000238 (72170-203901) :

This is a decision on the petition to withdraw the holding of abandonment, filed April 25, 2008, under 37 CFR 1.181.

The petition is hereby **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

The instant application became abandoned January 31, 2008 for failure to timely file a proper reply to the Notice of Allowance and Issue Fee Due (Notice) mailed October 30, 2007. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed February 26, 2008.

Petitioner argues that the Notice was not received. Petitioner states that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Notice of Allowance and Fee(s) Due was not received. Petitioner further has provided a copy of the record used by the practitioner where the non-received Notice would have been entered had it been received. Petitioner has not provided a copy of a master docket and provides no explanation for such absence.

In the absence of any irregularity in the mailing of an Office communication, there is a strong presumption that the Office communication was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office communication was not in fact received.

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner empowered to prosecution the application at the time that the Notice was mailed describing the system used for recording an

Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response. Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. *See*, MPEP 711.03(c).

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 evidence of record fails to sufficiently establish that the Notice was not received. Any renewed petition must establish non-receipt of the Notice was not a consequence of a failure to properly submit a change of correspondence address and must establish non-receipt of the Notice as set forth at MPEP 711.03(c).

Any renewed petition must include evidence from those having first hand knowledge of the facts and circumstances at issue to establish that the Notice was not received at the correspondence address of record at the time the Notice was mailed.

ALTERNATE VENUE

Petitioner may wish to consider filing a petition stating that the delay was unintentional. Petitioner's attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable".

An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALIGN TECHNOLOGY C/O WAGNER BLECHER LLP
123 WESTRIDGE DRIVE
WATSONVILLE CA 95076

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OFFICE OF PETITIONS

In re Application of :
Kuo :
Application No. 11/034,625 : ON PETITION
Filed: August 13, 2005 :
Attorney Docket No. 9076.ALG.P :

This is a decision on the petition under 37 CFR 1.137(a), filed August 18, 2008, to revive the above-identified application.

The petition is GRANTED.

The instant application became abandoned January 31, 2008 for failure to timely file a proper reply to the Notice of Allowance and Issue Fee Due (Notice) mailed October 30, 2007. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed February 26, 2008.

The petition satisfies the requirements of 37 CFR 1.137(a) in that petitioner has supplied (1) the required reply in the form of a reply to the Notice; (2) the required petition fee; and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable. *See*, MPEP 711.03(c)(where an application becomes abandoned as a consequence of a change of correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply) an adequate showing of "unavoidable" delay will require a showing that due care was taken to adhere to the requirement for prompt notification in each concerned application of the change of address (see MPEP 601.03), and must include an adequate showing that a timely notification of the change of address was filed in the application concerned, and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address).

This application is being referred to the Office Data Management for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/30/09

TO SPE OF : ART UNIT 3662

SUBJECT : Request for Certificate of Correction for Appl. No.: 11034628 Patent No.: 7450470

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580
You can fax the Director/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

x **Approved**	**All** changes apply.
❑ **Approved in Part**	Specify below which changes **do not** apply.
❑ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

/Thomas H. Tarcza/ 3662

SPE **Art Unit**

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OFFICE OF PETITIONS

HARRINGTON & SMITH PC
4 RESEARCH DRIVE SUITE 202
SHELTON CT 06484-6212

In re Application of :
Petri Helio :
Application No. 11/034,633 : ON PETITION
Filed: January 12, 2005 :
Attorney Docket No. 875.0134.U1(US) :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed October 22, 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 June 11, 2009. This Notice set a statutory period for reply of three months. No issue fee having been received, the application became abandoned on September 12, 2009. The Office mailed a Notice of Abandonment on October 13, 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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LAW OFFICES OF MARK L. BERRIER
3811 BEE CAVES ROAD, SUITE 204
AUSTIN, TX 78746

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AUG 2 1 2008

OFFICE OF PETITIONS

In re Application of :
Munehiro Yoshida :
Application No. 11/034,644 : DECISION ON PETITION
Filed: January 13, 2005 :
Attorney Docket No. SUZU02100 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 7, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 3, 2008, as required by the Notice of Allowance and Fee(s) Due mailed October 3, 2007. Accordingly, the date of abandonment of this application is January 4, 2008. A Notice of Abandonment was mailed 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 payment of the issue fee of $1,440.00 and the publication fee of $300.00, (2) the petition fee of $1,540.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

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BROWN & MICHAELS, PC
400 M & T BANK BUILDING
118 NORTH TIOGA ST
ITHACA, NY 14850

Mail Date: 04/20/2010

Applicant	: Jeffery A. Tyler	: DECISION ON REQUEST FOR
Patent Number	: 7581302	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/034,648	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **505** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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FIVE MOORE DR., P.O. BOX 13398
RESEARCH TRIANGLE PARK, NC 27709-3398

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OFFICE OF PETITIONS

In re Application of :
Vincent C. Knick et al :
Application No. 11/034,655 : ON PETITION
Filed: January 13, 2005 :
Attorney Docket No. PU3513US2 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 12, 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 7, 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 August 8, 2007.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $1050 extension of time submitted with the petition on December 12, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1643 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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BIRMINGHAM, AL 35238

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OFFICE OF PETITIONS

In re Application of :
John H. Wilkerson III :
Application No. 11/034,659 : DECISION GRANTING PETITION
Filed: January 13, 2005 : UNDER 37 CFR 1.137(b)
Attorney Docket No. Wilkerson2 :

This is a decision on the petition, filed February 21, 2006, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen month publication country on August 18, 2005. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and

(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of July 20, 2006 has been mailed under separate cover.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3218.

This application is being referred to Technology Center Art Unit 2875 for examination in due course.

Frances Hicks
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Chun-Hsien Lu et al :
Application No. 11/034,662 : DECISION ON PETITION
Filed: January 12, 2005 :
Attorney Docket No. 1291071 :

This is a decision on the petition under the unintentional provisions of 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 timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed June 8, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on September 9, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply in the form of a request for continued examination, $790 filing fee, and submission as required by 37 CFR 1.114, (2) the petition fee of $1,500, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the final Office action of June 8, 2006 is accepted as being unintentionally delayed.

Petitioner has submitted the petition to revive and the RCE in a single document. Petitioner should in the future comply with the provisions of 37 CFR 1.4(c) since each distinct subject should be contained in a separate paper to avoid confusion and delay in processing papers dealing with different subjects.

This application is being referred to Technology Center AU 2834 for processing the request for continued examination and for

appropriate action in the normal course of business on the submission under 37 CFR 1.114 received March 8, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

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GIBSON & DERNIER LLP
900 ROUTE 9 NORTH
SUITE 504
WOODBRIDGE, NJ 07095

Mail Date: 04/21/2010

Applicant	: Yonetaro Totsuka	: DECISION ON REQUEST FOR
Patent Number	: 7644255	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/034,693	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/13/2005	: 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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JENNIFER SICKLER
GARDERE WYNNE SEWELL LLP
1000 LOUISIANA, SUITE 3400
HOUSTON, TX 77002

Mail Date: 04/21/2010

Applicant	: Naijuan Wu	: DECISION ON REQUEST FOR
Patent Number	: 7608467	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/034,695	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **773** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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ALEXANDRIA VA 22313-1404

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OFFICE OF PETITIONS

In re Application of :
FERLIN :
Application No.: 11/034,722 : DECISION ON PETITION
Filed: January 14, 2005 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 033818-145 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed December 15, 2006, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to prior-filed PCT Application No. PCT/EP03/07366 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 international application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (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 PCT application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that 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 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed international application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Daniel Stemmer at (571) 272-3301. 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 1733 for appropriate action on the amendment filed December 15, 2006, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§ 120 and 365(c) to the prior-filed PCT application.

Daniel Stemmer
Legal Examiner
Office of the Deputy Commissioner
for Patent Examination Policy

Boris Milef
Legal Examiner
Office of the Deputy Commissioner
for Patent Examination Policy

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
11/034,722	01/14/2005	1733	1000	033818-145	11	1

CONFIRMATION NO. 1875

21839
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ALEXANDRIA, VA 22313-1404

CORRECTED FILING RECEIPT

OC000000022862309

Date Mailed: 03/12/2007

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)

Olivier Ferlin, Malauzat, FRANCE;

Assignment For Published Patent Application

MICHELIN RECHERCHE ET TECHNIQUE S.A., Granges-Paccot, SWITZERLAND

Power of Attorney: The patent practitioners associated with Customer Number **21839**.

Domestic Priority data as claimed by applicant

This application is a CON of PCT/EP03/07366 07/09/2003

Foreign Applications

FRANCE 0208929 07/15/2002

If Required, Foreign Filing License Granted: 03/01/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/034,722

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Heavy vehicle tyre

Preliminary Class

152

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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MAR 16 2007

OFFICE OF PETITIONS

In re Application of :
Melissa A. Wiele et al. :
Application No. 11/034,748 : DECISION ON PETITION
Filed: January 14, 2005 : TO MAKE SPECIAL UNDER
Attorney Docket No. 23646.00 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 3, 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 statement from the applicant Richard A. Deaver attesting that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1615 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110

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MAR 14 2007

OFFICE OF PETITIONS

In re Application of :
Andrew Littlefield :
Application No. 11/034,787 :
Filing or 371(c) Date: 01/12/2005 :
Attorney Docket Number: :
50269-0622 : ON PETITION

This is a decision on the Request to Withdraw Holding of Abandonment Based Upon Evidence that a Reply was Timely Mailed, filed November 6, 2006 (Certificate of Mailing dated October 31, 2006). The Request is properly treated under 37 CFR 1.181(a). The delay in treating this petition is regretted.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed March 22, 2006. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned June 23, 2006. A Notice of Abandonment was mailed October 17, 2006.

Applicant's Assertion

Applicant files the instant petition and asserts that a timely reply to the Office action was filed, including a one (1) month extension of time request and fee, on July 20, 2006, and received by this Office as evidenced by the copy of Applicant's return-receipt postcard. In support of this assertion, Applicant files a copy of the Reply and a copy of his return-receipt postcard acknowledging receipt by this Office of the Reply on July 24, 2006.

A review of the Reply reveals that the Reply contained a Certificate of Mailing under 37 CFR 1.8, certifying that the Reply was mailed to this Office on July 20, 2006. The Certificate of Mailing was executed by Angelica Maloney. Also, a review of Office finance records reveal that the fee for a one-month extension of time and for filing a Terminal Disclaimer were received by check on July 24, 2006.

While a statement which attests on a personal knowledge basis to the timely mailing of the Reply from Ms. Angelica Maloney has not been provided (See 37 CFR 1.8(b)(3)), the Certificate of

Mailing, coupled with the copy of the return-receipt postcard, and Office finance records, demonstrate by a preponderence of the evidence that a timely Reply was filed.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 2155 for processing of the Reply, and for continued processing in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TRACEY TRUITT
HOVEY WILLIAMS LLP
2405 GRAND BLVD., SUITE 400
KANSAS CITY, MO 64108

COPY MAILED

MAR 17 2006

OFFICE OF PETITIONS

In re Application of
Mike Roof et al.
Application No. 11/034,797
Filed: January 13, 2005
Attorney Docket No: 34816

ON PETITION

This is a decision on the petition to withdraw the holding of abandonment, which is treated under 37 CFR 1.181 in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned on July 5, 2005, for failure to file a timely response to the Notice to File Missing Parts, mailed May 3, 2005, which set a two (2) month statutory period for reply. Accordingly, a Notice of Abandonment was mailed January 5, 2006. Petitioner asserts that the Notice to File Missing Parts was never received.

The file record discloses that the Notice to File Missing Parts was mailed to the address associated with customer number 21559. Petitioner has provided statements from the attorney of record and the docketing clerk as well as a copy of the docket report wherein receipt of the Notice to File Missing Parts mailed May 3, 2005 would have been filed, had it been received. To show that the Notice mailed May 3, 2005 was not received, petitioner also explains that after searching the file jacket it was concluded that no correspondence was received for this matter from the USPTO.

In that the statements and the exhibit from the docket record for the instant matter show no entry indicating receipt of the Notice to File Missing Parts mailed May 3, 2005, it is apparent that the Notice was not received. Further, after a telephone conversation between the undersigned and attorney of record, Tracey Truitt, it appears that the USPTO inadvertently applied customer number 21559 to the instant application. Mr. Truitt also advises that his firm is in no way connected with the firm associated with customer number 21559. The evidence submitted corroborates non-receipt of the Notice.

In view of the facts set forth in the petition, it is concluded that the Notice to File Missing Parts was never received. Accordingly, the holding of abandonment is withdrawn and no petition fee is due.

This application is being forwarded to the Office of Initial Patent Examination for a re-mailing of the Notice to File Missing Parts.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Dechert, LLP
P.O. Box 390460
Mountain View, CA 94039-0460

MAILED

JUN 0 3 2009

OFFICE OF PETITIONS

In re Application of	:	
James Osborne et al.	:	
Application No. 11/034,857	:	DECISION ON PETITION
Filed: January 14, 2005	:	TO WITHDRAW
Attorney Docket No. 366325-532US (339695)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 10, 2006.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to Daniel M. Becker and all attorneys/agents of record has been revoked by the assignee of the patent application on June 22, 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: Mathews, Shepherd, McKay, &
Bruneau, P.A.
29 Thanet Road, Suite 201
Princeton, NJ 08540

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

MAY 22 2009

OFFICE OF PETITIONS

In re Application of :
Tadahiro Nakayama et al. :
Application No. 11/034,889 : DECISION ON PETITION
Filed: January 14, 2005 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket Number: 086142-0738 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 10, 2009, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to prior-filed nonprovisional application no. 10/064,054 filed June 5, 2002, as set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is 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.

While the above requirements have been satisfied, the amendment filed April 10, 2009 has been considered by the Examiner of record. The Examiner has indicated that the amendment does not place the application in condition for allowance.

In view thereof, the only proper reply to a Final Office action is an amendment placing the application in *prima facie* condition for allowance, a Notice of Appeal accompanied by the requisite fee, a Request for Continued Examination (RCE) accompanied by a proper submission under 37 CFR 1.114, or a continuing application.

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 Patricia Faison-Ball at (571) 272-3212.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

Mail Date: 04/21/2010

Applicant	: Tadahiro Nakayama	: DECISION ON REQUEST FOR
Patent Number	: 7631899	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/034,889	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **731** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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
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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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Date Mailed: April 28, 2009
Patent No. :7,478,986 B2
Ser. No. :11/034898
Inventor(s) :Walter Leslie Bushell, et al.
Title :LOCKABLE NUT SYSTEM

Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data, attorney agent/firm) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request 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.

Magdalene Talley
For Mary F. Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 116

Buckingham, Doolittle & Burroughs, LLP
3800 Embassy Pky., Ste. 300
Akron, OH 44333

MD/mt

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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DOV ROSENFELD
5507 COLLEGE AVE
SUITE 2
OAKLAND, CA 94618

Mail Date: 07/09/2010

Applicant	: Wenfeng Huang	: DECISION ON REQUEST FOR
Patent Number	: 7647046	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/034,912	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **608** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

Mail Date: 04/21/2010

Applicant	: Jeffry S. Melsheimer	: DECISION ON REQUEST FOR
Patent Number	: 7578838	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/034,913	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **653** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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VOLENTINE FRANCOS, & WHITT PLLC
ONE FREEDOM SQUARE
11951 FREEDOM DRIVE SUITE 1260
RESTON VA 20190

MAIL

APR 26 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Dr. Leo E. Cousineau, et al.
Application No. 11/034,936
Filed: January 14, 2005
For: **ONTOLOGY BASED SYSTEM FOR DATA CAPTURE AND KNOWLEDGE REPRESENTATION**

DECISION ON PETITION
TO MAKE SPECIAL

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 January 14, 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 copy of the inventor's certificate of birth, which reflects a birth date of March 26, 1932, evidencing that the inventor is over 65 years of age.

Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant.

The application file is being forwarded to the examination art unit for expedited prosecution.

Ken 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
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ONE FREEDOM SQUARE
11951 FREEDOM DRIVE SUITE 1260
RESTON VA 20190

MAIL

SEP 12 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Dr. Leo E. Cousineau, et al.
Application No. 11/034,937
Filed: January 14, 2005
For: **ONTOLOGY BASED MEDICAL PATIENT EVALUATION METHOD FOR DATA CAPTURE AND KNOWLEDGE REPRESENTATION**

DECISION ON PETITION
TO MAKE SPECIAL

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 January 14, 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 copy of the inventor's certificate of birth, which reflects a birth date of March 26, 1932, evidencing that the inventor is over 65 years of age.

Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant.

The application file is being forwarded to the examination art unit for expedited prosecution.

Doris To
Special Program Examiner
Technology Center 2600
Communications

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STEVENS DAVIS MILLER & MOSHER, LLP
1615 L STREET, NW
SUITE 850
WASHINGTON DC 20036

COPY MAILED

MAR 16 2006

OFFICE OF PETITIONS

Applicant: Stanchfield
Appl. No.: 11/034,941
Filing Date: January 12, 2005
Title: TRANSITION MOLDING
Pub. No.: US 2005/0150182 A1
Pub. Date: July 14, 2005

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), filed on July 27, 2005, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error, as the publication does not include the preliminary amendment to the specification submitted on filing.

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 patent application publication does not include a mistake with respect to the preliminary amendment to the specification. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification in the publication by the Office because patent application publications are not required to include preliminary amendments, according to 37 CFR 1.215(a)[2], which says the following, in part:

---

[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).

[2] Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan; Final Rule, 69 FR 56482 (Sept. 21, 2004).

> (a) ... The patent application publication will be based upon the specification and drawings deposited on the filing date of the application, as well as the executed oath or declaration submitted to complete the application. **The patent application publication may also be based upon amendments to the specification (other than the abstract or the claims) that are reflected in a substitute specification under Sec. 1.125(b),** amendments to the abstract under Sec. 1.121(b), amendments to the claims that are reflected in a complete claim listing under Sec. 1.121(c), and amendments to the drawings under Sec. 1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. (emphasis added)

§ 1.215(c) says the following:

> (c) At applicant's option, the patent application publication will be based upon the copy of the application (specification, drawings, and oath or declaration) as amended, provided that applicant supplies such a copy in compliance with the Office electronic filing system requirements within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

While the patent application publication may now include a preliminary amendment, the Office is not required to use the preliminary amendment. The Office changed the procedures for publication of patent applications so as to publish applications as amended, when possible. Until 2004, patent application publications were published as originally filed. See Patent Application Publications May Now Include Amendments, 1281 Off. Gaz. Pat. Office Notices 53 (April 13, 2004) and MPEP 1121. The preliminary amendments to the specification filed January 12, 2005, does not comply with 37 CFR 1.125(b). The Office correctly published the application in accordance with 37 CFR 1.215(a).

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on July 27, 2005, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

It would greatly benefit the Office if applicant did not provide copies of the application papers, which were previously submitted, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not

readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

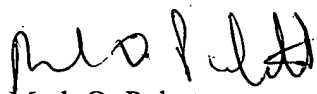
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office's electronic filing system requirements and be accompanied by the 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 O. Polutta at (571) 272-7709.



Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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RESTON VA 20190

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SEP 12 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Dr. Leo E. Cousineau, et al.
Application No. 11/034,961
Filed: January 14, 2005
For: **ONTOLOGY BASED METHOD FOR DATA CAPTURE AND KNOWLEDGE REPRESENTATION**

DECISION ON PETITION
TO MAKE SPECIAL

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 January 14, 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 copy of the inventor's certificate of birth, which reflects a birth date of March 26, 1932, evidencing that the inventor is over 65 years of age.

Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant.

The application file is being forwarded to the examination art unit for expedited prosecution.

Doris To
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VOLENTINE FRANCOS, & WHITT PLLC
ONE FREEDOM SQUARE
11951 FREEDOM DRIVE SUITE 1260
RESTON VA 20190

MAIL

SEP 0 6 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Dr. Leo E. Cousineau, et al.
Application No. 11/034,962
Filed: January 14, 2005
For: **ONTOLOGY BASED MEDICAL SYSTEM FOR DATA CAPTURE AND KNOWLEDGE REPRESENTATION**

DECISION ON PETITION
TO MAKE SPECIAL

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 January 14, 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 copy of the inventor's certificate of birth, which reflects a birth date of March 26, 1932, evidencing that the inventor is over 65 years of age.

Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant.

The application file is being forwarded to the examination art unit for expedited prosecution.

Doris To
Special Program Examiner
Technology Center 2600
Communications

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COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

COPY MAILED
AUG 0 3 2005
OFFICE OF PETITIONS

In re Application of :
Bruno Wolf et al. :
Application No. 11/034,964 : DECISION ON PETITION
Filed: January 14, 2005 :
Attorney Docket No.: 9208.0016-00 :
Title: SYSTEMS AND METHODS FOR ASSOCIATING GRAPHICS INFORMATION WITH AUDIO AND VIDEO MATERIAL :

This is a decision on the petition filed June 23, 2005, requesting that Figure 8 be accorded a filing date of January 14, 2005, as part of the original disclosure.

The application was deposited on January 14, 2005. However, on May 18, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Nonprovisional Application (notice)," stating that the application had been accorded a filing date of January 14, 2005, and that Figure 8 appeared to be omitted on filing. The notice set a two-month period for response.

In response, on June 23, 2005, applicants filed the present petition. The petition is further accompanied by a postcard receipt acknowledging receipt of "Drawings - 8 sheets of drawings (Figs. 1-8)" in the United States Patent and Trademark Office (Office) on January 14, 2005. Applicants request that Figure 8 be accorded a filing date of January 14, 2005 as part of the original disclosure.

It is noted that 7 sheets of drawings, containing Figures 1-7, have been located in the electronic file.

Upon review of the record, the above-mentioned figure has not been located among the application papers. However, the evidence is convincing that the application papers deposited on January 14, 2005 included Figure 8, and the sheet containing this figure was subsequently misplaced in the Office.

Therefore, the application, including Figure 8, was complete on filing and this figure is entitled to a filing date of January 14, 2005 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed May 18, 2005 referring to the missing drawing was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary. The petition fee of $400 will be refunded to Petitioner's Deposit Account.

The Office of Initial Patent Examination will be advised to process this application with a filing date of January 14, 2005, using the original application papers filed on that date, as well as Figure 8 submitted on June 23, 2005 with the present petition and for indication in Office records that this figure was present on filing.

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/035,019	01/13/2005	3627	0.00	CHM08-GN016	4	51	3

CONFIRMATION NO. 5887

CORRECTED FILING RECEIPT

OC000000015757933

030074
TAFT, STETTINIUS & HOLLISTER LLP
SUITE 1800
425 WALNUT STREET
CINCINNATI, OH 45202-3957

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)

Christof Von Kalle, Cincinnati, OH;
Lilith Reeves, Avon, IN;
David Williams, Cincinnati, OH;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 03/31/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/035,019

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

BEST AVAILABLE COPY

Title

Clinical development plan, facility development plan and process development plan knowledge bases

Preliminary Class

705

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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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

MAILED

MAR 29 2010

OFFICE OF PETITIONS

In re Patent No. 7,539,101 :
Issued: May 26, 2009 :
Application No. 11/035,043 : LETTER REGARDING
Filed: January 14, 2005 : PATENT TERM ADJUSTMENT
Attorney Docket No. 320528684US1 :

This letter is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT RECONSIDERATION UNDER 37 C.F.R. § 1.705(B) filed July 27, 2009. Pursuant to patentees' duty of good faith and candor to the office, patentees request that the determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from 710 days to 700 days. This matter is being treated under 37 C.F.R. § 1.705(D).

The request for review of the patent term adjustment is **DISMISSED.**

Patentees are given **THIRTY (30) DAYS or ONE (1) MONTH, whichever is longer,** from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The patent term adjustment indicated in the patent is properly reflected.

On May 26, 2009, the above-identified application matured into U.S. Patent No. 7,539,101 with a revised patent term adjustment of 710 days. On July 27, 2009, Patentees submitted the instant application. Patentees disclose that the patent term adjustment of 710 days indicated on the front of the patent is incorrect but do not state a basis for their disclosure.

Patentees do not expressly assert why the patent term adjustment is more than applicants are entitled. The USPTO does not find any specific filing in the prosecution history that would trigger a ten day reduction in patent term adjustment. Accordingly, the USPTO does not find an additional ten days of reduction of PTA is warranted.

As this letter was submitted to advise the Office of an error in patentees' favor, the Office will refund the $200.00 fee charged under 37 CFR 1.18(e). The Office thanks patentees for their good faith and candor in bringing this to the attention of the Office.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

MAILED

JUL 10 2009

OFFICE OF PETITIONS

In re Application of :
Deok Soo KIM, et al. :
Application No. 11/035,044 : DECISION GRANTING PETITION
Filed: January 14, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **28980.031.00** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 29, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 23, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2889 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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DEC 15 2009

Murat Ozgu
ARENT FOX LLP
1050 Connecticut Avenue, N.W.
Suite 400
Washington, DC 20036

In re Application of	:	
Shuji Mochinaga et al	:	
Application No. 11/035,058	:	DECISION ON PETITION
Filed: January 14, 2005	:	REGARDING INCOMPLETE
Attorney Docket No.: 100725-00143	:	OFFICE ACTION
For: SLIDING TYPE CONSTANT VELOCITY UNIVERSAL JOINT	:	UNDER 37 CFR 1.181

This is in response to applicants' petition under 37 CFR 1.181 filed January 9, 2008 requesting a complete Office action because page 2 of the Office Action mailed November 19, 2007 is missing.

The petition is **DISMISSED AS MOOT**.

A review of the file reveals that the Office action mailed November 19, 2007 is missing page 2 thereof and therefore is incomplete.

In response to the filing of the instant petition, the examiner faxed a replacement copy of the November 19, 2007 Office action to applicants' representative and applicants' representative has indicated that such copy was received on January 10, 2008. The instant application has since had a Notice of Allowance mailed on May 27, 2008 and issued as U.S. Patent No. 7,431,653 on October 7, 2008.

Unfortunately, a copy of the missing page 2 was never scanned into the application file. As a result of a recent request from the examiner, applicants' representative has provided the Office with a copy of the replacement Office action previously received on January 10, 2008. This copy is attached to the instant petition decision and is included therewith so as to properly complete the file with respect to the full content of the November 19, 2007 Office action.

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.

Frederick R. Schmidt, Director
Technology Center 3600
(571) 272-5150
Facsimile No.: (571) 273-8300

LM/DS: 12/14/09

Attachment: Copy of the Office action dated November 19, 2007 (6 pages)

MD

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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/035,058	01/14/2005	Shuji Mochinaga	100725-00143	6508

EXAMINER	
DUNWOODY, AARON M	

ART UNIT	PAPER NUMBER
3679	

NOTIFICATION DATE	DELIVERY MODE
11/19/2007	ELECTRONIC

4372 7590 11/19/2007

ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

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):

DCIPDocket@arentfox.com
IPMatters@arentfox.com
Patent_Mail@arentfox.com

PAGE 2/7 * RCVD AT 12/3/2009 1:49:19 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/45 * DNIS:2737080 * CSID:202 857 6395 * DURATION (mm-ss):01-10

Office Action Summary	Application No.	Applicant(s)	
	11/035,058	MOCHINAGA ET AL.	
	Examiner	Art Unit	
	Aaron M. Dunwoody	3679	

-- *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 *21 August 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 4-9* is/are pending in the application.

4a) Of the above claim(s) *5-9* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2 and 4* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Application/Control Number:
11/035,058
Art Unit: 3679

DETAILED ACTION

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.

Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 4678453, Aucktor et al.

In regards to claim 1, as best understood and interpreted, Aucktor et al disclose a slide type velocity universal joint comprising:

an outer member (1) provided with a plurality of track grooves formed in an inner circumference thereof;

an inner member (4) provided with track grooves corresponding to with a plurality of the track grooves corresponding to the track grooves of the outer member in an outer circumference;

a plurality of balls (6) provided in ball tracks defined by cooperation of the track grooves between the outer member and the inner member to transmit torque;

a cage having pockets for retaining the balls, wherein a plurality of vehicle body attachment flanges (see Figure 1 below) are provided apart a circumferential direction at an outer end of the outer member so as to outwardly protrude partially,

the outer circumferential shape of the outer member is in a flower shape corresponding to the inner circumferential shape, having outer circumferential recesses

positioned between every pair of adjacent track grooves of the outer member, the vehicle attachment flanges being formed at the outer circumferential recesses.

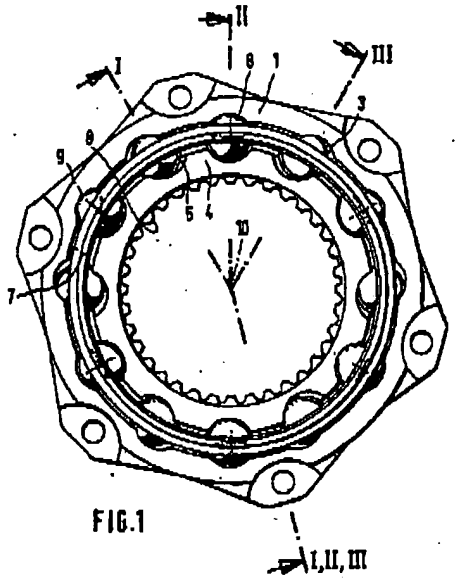

FIG.1

In regards to claim 2, Aucktor et al disclose the outer circumferential shape of the outer member has a ratio of an outermost diameter size where the track grooves are positioned and an innermost diameter size where the vehicle body attachment flanges are located is set the range of from 0.85 to 0.95.

In regards to claim 4, Aucktor et al disclose the number of said balls is eight.

Response to Arguments

Applicant's arguments filed 8/21/2007 have been fully considered but they are not persuasive.

Applicant argues that Aucktor that the outer circumferential shape of the outer member is in a flower shape corresponding to the inner circumferential shape, having outer circumferential recesses positioned between every pair of adjacent track grooves

of the outer member, the vehicle body attachment flanges being formed at the outer circumferential recesses. The Examiner disagrees. Figure 1 above clearly discloses the outer circumferential shape of the outer member in a flower shape corresponding to the inner circumferential shape, having outer circumferential recesses positioned between every pair of adjacent track grooves of the outer member, the vehicle body attachment flanges being formed at the outer circumferential recesses.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M. Dunwoody whose telephone number is 571-272-7080. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aaron M Dunwoody
Primary Examiner
Art Unit 3679

.amd

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AUG 1 8 2006

OFFICE OF PETITIONS

RONALD D. TRICE
6412 BRANDON AVE.
145
SPRINGFIELD VA 22150

In re Application of :
Mango, et al. :
Application No. 11/035,061 : DECISION ON PETITION
Filed: January 14, 2005 : TO WITHDRAW
Attorney Docket No. ZEO-013 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 29, 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 Ronald D. Trice on behalf of all attorneys of record.

All attorneys/agents associated with this application 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 N. Mango at the address indicated below.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.

Denise Pothier
Petitions Examiner
Office of Petitions

cc: John N. Magno
7 Renier Court
Middletown, NJ 07748

cc: Simmons Perrine Albright & Ellwood PLLC
115 3rd Street SE
Suite 1200
Cedar Rapids, IA 52401-1266

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/035,061	01/14/2005	John N. Magno	ZEO-013

CONFIRMATION NO. 1581

OC000000020038117

OC000000020038117

55300
RONALD D. TRICE
6412 BRANDON AVE.
145
SPRINGFIELD, VA 22150

Date Mailed: 08/16/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/29/2006.

- 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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United States Patent and Trademark Office
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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994

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JAN 16 2009

In re Application of	:	
Menzo Wentink	:	
Application No. 11/035,065	:	DECISION ON PETITION
Filed: January 14, 2005	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 060706-1860	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed September 15, 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.

The instant non-provisional application was filed on January 14, 2005. The provisional applications 60/515,701 and 60/388,569 to which priority is claimed were filed on October 31, 2003 and June 12, 2002, respectively. While a reference to these prior-filed provisional applications has been included in an amendment to the first sentence of the specification following the title, the instant non-provisional application is not in compliance with 35 USC § 119 (e) (1) that requires the non-provisional application to have been filed not later than 12 months after the date on which the provisional application was filed. Therefore, the benefit of priority to both the '701 and '569 provisional applications cannot be accepted.

Additionally, the amendment to the specification filed September 15, 2008, is not acceptable as drafted since it improperly incorporates by reference the prior-filed '569 provisional 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. § 119(e) after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 119(e) 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)), are required.

37 CFR § 1.78(a)(6) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(5)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §1.78(a)(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

As authorized, the $1410 fee required by 37 CFR 1.78(a)(6)(ii) has been charged to petitioner's Deposit Account No. 50-0835.

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 Ramesh Krishnamurthy at (571) 272-4914.

Anthony Knight
Supervisor,
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

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SEP 08 2009

OFFICE OF PETITIONS

In re Application of :
Menzo Wentink :
Application No. 11/035,065 : DECISION ON PETITION
Filed: January 14, 2005 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 060706-1860 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed March 16, 2009, 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.

The instant non-provisional application was filed on January 14, 2005. The provisional application 60/515,701 to which priority is claimed was filed on October 31, 2003. While a reference to this prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title, the instant non-provisional application is not in compliance with 35 USC § 119 (e) (1) that requires the non-provisional application to have been filed not later than 12 months after the date on which the provisional application was filed. Therefore, the benefit of priority to both the '701 provisional application cannot be accepted.

The priority claim to the provisional application 60/388,569 as included in the amendment to the specification is confusing in that there cannot be a direct claim of priority to the '569 provisional

application as it was filed June 12, 2002, which is more than 12 months prior to the filing date of the instant application. While the petitioner's intent to make such a claim via the non-provisional application 10/353,391 is recognized, the claim as stated presently is confusing and is not acceptable. Furthermore, the reference to the provisional application 60/388,569 in the amendment has a typographical error. The period placed between "388" and "658" needs to be replaced with a comma.

It should be noted that the inventor in the application 10/353,391 is listed as Maarten Menzo Wentink. However, both in the instant application and in 10/880,367 application, the inventor is listed as Menzo Wentink. Since the first name of the inventor is different in these applications, the inventorship appears to be different in the chain of applications included in the priority claims herein. The petition fails to meet the following requirement pertaining to the common inventorship aspect of 35 USC 120 – "filed by an inventor or inventors named in the previously filed application". Such a requirement is also explicit in 37 CFR 1.78(a)(1). Thus, the priority claim to prior-filed '391 Application is unacceptable since there appears to be no inventor common between the '391 application and the '367 application, as required by 35 U.S.C. 120.

It is further noted that in specifying the priority claims, throughout the **section** of the specification entitled "CROSS-REFERENCE TO RELATED APPLICATIONS", reference is made to "present invention". The use of "invention" is not acceptable as a claim to priority is between applications as clearly set forth throughout 37 CFR 1.78. Therefore, "present invention" must be replaced with - - present application - - throughout **this section**.

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(ADS) or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)), are required correcting the matters noted above. Note that any ADS included with a renewed submission must be entitled "Supplemental Application Data Sheet".

37 CFR § 1.78(a)(6) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(5)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §1.78(a)(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

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 between the date the claim was due under 37 CFR § 1.78(a)(5)(ii) and the date the claim was filed was unintentional, petitioner must notify the Office.

The surcharge paid under 37 CFR 1.17(t) is unnecessary in a renewed petition and will be credited to the Deposit Account No. 13-2490, as authorized.

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 Ramesh Krishnamurthy at (571) 272-4914.

David Bucci
Petitions Examiner
Office of Petitions

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KENYON & KENYON LLP
1500 K STREET NW, SUITE 700
WASHINGTON DC 20005

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APR 10 2008

OFFICE OF PETITIONS

In re Application of	:	
FUWA, et al.	:	
Application No. 11/035,078	:	DECISION GRANTING PETITION
Filed: January 14, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **10517-244**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 9, 2008 the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 22, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 3748 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Monica A. Graves
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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Gene Scott
Patent Law & Venture Group
3140 Red Hill Avenue, Suite 150
Costa Mesa, CA 92626-3440

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APR 0 4 2006

OFFICE OF PETITIONS

In re Application of :
Woonki JUNG :
Application No. 11/035,085 : DECISION GRANTING PETITION
Filed: January 12, 2005 : UNDER 37 CFR 1.137(b)
Attorney Docket No. Jung.W-01 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 9, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice) mailed March 2, 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) was obtained. Accordingly, the above-identified application became abandoned on May 3, 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 copy of the Original Declaration filed January 12, 2005 along with a date stamped postcard receipt showing receipt by the USPTO of the originally filed declaration, a New declaration, and Five replacement drawing sheets; (2) the petition fee of $750; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts of Non-Provisional Application of March 2, 2005 is accepted as having been unintentionally delayed.

The Notice mailed March 2, 2005 further required a late filing fee or declaration surcharge as set forth in 37 CFR 1.16(e) of $65 for a small entity in compliance with 37 CFR 1.27. No such fee has been received. However, the submission of the copy of the original declaration and date stamped receipt postcard with the petition provides

sufficient evidence that no such fee or surcharge was warranted. The requirement has been withdrawn.

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 petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the petition is being construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the petition.

Telephone inquiries concerning this decision should be directed to Charles A. Marmor, II at (571) 272-6052 or in his absence, the undersigned at (571) 272-7099.

The application file is being referred to the Office of Initial Patent Examination.

David Bucci
Petitions Examiner
Office of Petitions

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JOHN H. LYNN
SUITE C 103
2915 REDHILL AVE.
COTA MESA CA 92626

DEC 5 2005

In re Application of:
Fling *et al.*
Serial No.: 11/035,111
Filed: January 12, 2005
Attorney Reference No.: **FLING.05A**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. § 1.102(c), filed August 30, 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 V: Applicant's Age Section.

A grantable petition to make special under 37 C.F.R. § 1.102, and in accordance with M.P.E.P. § 708.02, Section IV, must include evidence showing that the applicant is sixty five (65) years of age or more. No fee is required for this petition.

The petition includes declarations from applicants, John J. Fling and William F. Fling, stating that they are sixty-five (65) years of age or more.

Accordingly, the petition is GRANTED.

If the examiner can make this application special without prejudice to any possible interfering applications, and s/he should make a rigid search for such, s/he is authorized to do so for the next action. Should the application be rejected, the application will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the application in condition for allowance, even if it is necessary to have an interview with the examiner to accomplish this purpose.

If the examiner finds any interfering application for the same subject matter, s/he should consider such application simultaneously with this application and should state in the official letter of such application that s/he is taking it out of its turn because of possible interference.

Should an appeal be taken in this application or should this application become involved in an interference, consideration of the appeal and the interference will be expedited by all Patent and Trademark Office officials concerned, contingent likewise upon diligent prosecution by the applicant.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

Inquiries regarding this decision should be directed to Jose Dees at (571) 272-1569.

Jose Dees, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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JUN 22 2007

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In re Application of	:	
Bingwei Vera Yang et al	:	NOTICE OF WITHDRAWAL
Serial No. 11/035,119	:	FROM ISSUE
Filed: January 13, 2005	:	UNDER 37 CFR 1.313(b)
For: Modulators of Glucocorticoid Receptor, AP-1, and/or NF-Kappabeta activity and use thereof	:	

The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 CFR 1.313.

The application is being withdrawn to permit reopening of prosecution. The reasons therefore will be communicated to you by the examiner.

PTO records reveal that the issue fee has not been paid. If the issue fee has been submitted, the applicant may request a refund or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a deposit account.

The application is being forwarded to the examiner for action.

John L. LeGuyader, Director
Technology Center 1600

Louis J. Willie
Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
Princeton, NJ 08543-4000

cc: Allowed Files
Drafting Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed: August 4, 2008

BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO CA 94303

Applicant: Heller et al.
Appl. No.: 11/035,131
Filing Date: January 13, 2005
Title: SMALL VOLUME IN VITRO ANALYTE SENSOR
Attorney Docket No.: ADCI-015DIV2
Pub. No.: US 2005/0164322 A1
Pub. Date: July 28, 2005

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on July 31, 2008, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office 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.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

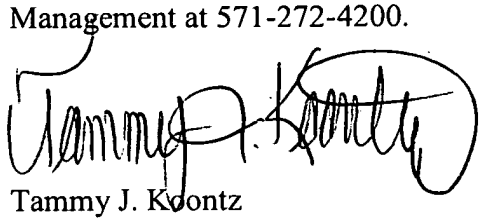
Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, **as a Pre-Grant publication submission.**

Any questions or requests 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

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.



Tammy J. Koontz
Program & Management Analyst
Office of Data Management

Adjustment date: 08/04/2008 KKING1
08701/2008 INTEFSW 00002870 11035131
01 FC:1504 -300.00 OP

Refund Ref:
08/04/2008 0030059381

Credit Card Refund Total: $300.00

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/035,141	01/13/2005	Louis L. Scharf	TCOM0030

CONFIRMATION NO.
9784

TENSORCOMM, INC.
1490 W. 121ST AVE., SUITE 105
WESTMINISTER CO 80234

Date Mailed: August 25, 2005

Decision Dismissing Petition under 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.

2. ☑ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☐ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed Office of Patent Publication, Pre-Grant Publication Division, 703-605-4283.

Barbara J. Debnam
Office of Patent Publication
Pre-Grant Publication Division

Rev. 10/01

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/035,141	01/13/2005	Louis L. Scharf	TCOM0030

CONFIRMATION NO.
9784

TENSORCOMM, INC.
1490 W. 121ST AVE., SUITE 105
WESTMINISTER CO 80234

Date Mailed: August 1, 2006

Decision Dismissing Petition under 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☑ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☐ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.

4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed Office of Patent Publication, Pre-Grant Publication Division, 703-605-4283.

Barbara J. Debnam
Office of Patent Publication
Pre-Grant Publication Division

Rev. 10/01

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/035,141	01/13/2005	Louis L. Scharf	TCOM0030

TENSORCOMM, INC.
1490 W. 121ST AVE., SUITE 202
WESTMINISTER CO 80234

DATE MAILED: January 19, 2007

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 January 15, 2007, 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.

Barbara J. Debnam
Pre-Grant Publication Division

Best Available Copy

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3/25/09 Paper No.: —

TO SPE OF : ART UNIT 3617

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/035151 Patent No.: 7055914B1

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: Petition Under 37 CFR 1.324 Granted.

SPE

3617
Art Unit

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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JUN 12 2009

Martin D. Moynihan
PRTSI, Inc.
P. O. Box 16446
Arlington, VA 22215

In re Application of AVERBUCH ET AL.
Appl. No.: 10/035,151
Patent No.: 7,055,914
Filed: January 04, 2002
For: **VEHICLE WHEEL BALANCE WEIGHTS**

DECISION ON PETITON TO CORRECT INVENTORSHIP
37 CFR 1.324

This is a decision on the petition filed September 11, 2008 to correct inventorship under 37 CFR 1.324.

The petition is **Granted**.

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 and from each person who is being deleted as an inventor that the inventorship error occurred without any deceptive intention on their part,
> (**2**) a statement from the current named inventors 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).

Petitioner has satisfied all of the items above, accordingly the petition is granted. The patent is being forwarded to Certificates of Corrections Branch for issuance of a certificate naming the actual inventors. Telephone inquiries regarding this decision should be directed to S. Joseph Morano, Supervisory Patent Examiner for Art Unit 3617, at (571) 272-6684.

S. Joseph Morano
SPE, Art Unit 3617

SJM: 6/10/09

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/035,168	01/12/2005	John Oliver Freim III	0009-P002001	1724

43517 7590 02/10/2009

MASTERMIND IP LAW PC
421-A SANTA MARINA COURT
ESCONDIDO, CA 92029

EXAMINER	
LIGHTFOOT, ELENA TSOY	
ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
02/10/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

wk

Mailed : 2/10/09

In re Application of
Freim et al.
Serial No. 11/035,168
Filed: January 12,2005
For: METHOD OF MAKING COMPOSITE PARTICLES WITH TAILORED SURFACE CHARACTERISTICS

: DECISION ON
: PETITION

This is a decision on the PETITION FILED UNDER 37 CFR 1.144 and 1.181 TO WITHDRAW THE RESTRICTION REQUIREMENT made August 3, 2006.

On August 3, 2006, the Examiner set forth a four-way requirement.

I. Claims 1-33, drawn to a process for creating a composite particle, classified in class 427, subclass 212;

II. Claims 35-45 and 49, drawn to a composition, classified in class 75, subclass 252;

III. Claims 46-48, drawn to a method for remediation, classified in class 516, subclass 77; and

IV. Claims 50-51, drawn to a process for selecting a dispersant, classified in various classes and subclasses.

On February 5, 2007, applicants elected Group I, claims 1-33 with traverse.

The Examiner identified Inventions I and II as process of making and product made. The Examiner asserts that the product as claimed can be made by materially different process (MPEP 806.05(f)) comprising adding a dispersant before depositing a metal on a core material.

The Examiner identified Inventions I/ II and III as product and process of use. The Examiner asserts that the product as claimed can be used in a materially different process of using (MPEP 806.05(h))such as in paint compositions.

The Examiner identified Inventions I/II/III and IV as unrelated because the different inventions are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP 802.01 and 806.06) The Examiner asserts that the different inventions are

not disclosed as capable of use together and they have different designs, modes of operation and effects because inventions I/II/III relate to depositing a metal on core particles where as invention IV relates to suspending core particles.

Petitioner asserts that the inventions of Groups I and II are not patentably distinct, resulting in the Examiner's failure to set forth a prima facie case for restriction between the groups. Applicants argued that the claimed composition cannot be made by the process suggested by the examiner, thereby rebutting the Examiner's requirement for restriction and shifting the burden to the Examiner to document a viable alternative process for making the composition. The Examiner replied by pointing to paragraph 55 of the specification. Applicants disagree with the Examiner's reasoning.

Applicants submit that the Examiner has failed to establish a prima facie case demonstrating distinctiveness between inventions I/II and III.. The Examiner asserts that it is well known in the painting art that particles covered with metal are conventionally used as metal pigments in paints. The Examiner references Applicant's disclosure, page 2, P3, lines 5-6 and US 2,304,843 to Cooke et al, column 1, lines 1-3.

Applicants further assert that the Examiner has failed to meet the burden of showing that the claimed inventions are patentably distinct. The Examiner has indicated that the method of remediation claimed in Group III is classified in class 516, subclass 77, a composition of Group II in class 75, subclass 262

A review of the record indicates that the position of the examiner is reasonable.

DECISION

Accordingly, the petition to withdraw the restriction requirement is **DISMISSED**.

Jacqueline M. Stone

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Diane L. Gardnet
MASTERMIND IP LAW PC
421-A SANTA MARINA COURT
ESCONDIDO CA 92029

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MASTERMIND IP LAW PC
421-A SANTA MARINA COURT
ESCONDIDO, CA 92029

MAILED

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OFFICE OF PETITIONS

In re Application of	:	
Frem et al.	:	
Application No. 11/035,168	:	DECISION ON PETITION
Filed: January 12, 2005	:	
Attorney Docket No. 0009-P002001	:	

This is a decision on the petition, filed November 23, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to 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). An appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed December 8, 2008. On July 8, 2009, petitioner filed a five (5) month extension of time including an amendment. An Advisory Action mailed August 18, 2009, did not enter the amendment filed on July 8, 2009, for the purposes of an appeal. An appeal brief must be filed to preserve appellant's right to the appealed claims, notwithstanding circumstances such as the filing of an amendment. *See* MPEP 1205.02. Pursuant to 37 CFR 41.33, amendments after the date of filing an appeal may be admitted as provided in 37 CFR 1.116. Accordingly, the application became abandoned on July 9, 2009.

Petitioner asserts that the amendment filed on July 8, 2009, constitutes as a proper response in conjunction with the Notice of Appeal filed December 8, 2008. However, in view of the above, the response of July 8, 2009 does not constitute a proper response as it did not put the application in condition for allowance. Accordingly, since an Appeal Brief and fee was not submitted within two (2) months of the filing of the Notice of Appeal in accordance with 37 CFR 41.37(a)(1), the application was properly held abandoned. Therefore, the petition requesting withdrawal of the holding of abandonment cannot be granted.

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 Internet: EFS-Web[1]

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

David Bucci
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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

Donald R. Heiner, Esq.
71 Mount Vernon Street
Ridgefield Park, NJ 07660

COPY MAILED

SEP 20 2006

OFFICE OF PETITIONS

In re Application of :
Kasak et al. :
Application No. 11/035,185 :
Filed: January 14, 2005 : DECISION ON
Title of Invention: LICENSE PLATE : PETITION
HOLDER WITH BUMPER GUARDS :

This is a decision in response to the Petition to Withdraw Holding of Abandonment, filed July 25, 2006.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly respond to the Notice of Non-Compliant Amendment (Notice), mailed January 30, 2006. The Notice 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 on March 1, 2006. The mailing of this Decision precedes the mailing of a Notice of Abandonment.

With the instant petition, Petitioner has demonstrated non-receipt of the Notice by a preponderance of the evidence.

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 3611 for re-mailing of the Notice.

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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P.O. Box 1450
Alexandria, VA 22313-1450
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Donald R. Heiner, Esq.
71 Mount Vernon Street
Ridgefield Park NJ 07660

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NOV 16 2007

OFFICE OF PETITIONS

In re Application of	:	
Kasak et al.	:	
Application No.: 11/035185	:	DECISION ON
Filing or 371(c) Date: 01/14/2005	:	PETITION
Title of Invention:	:	
LICENSE PLATE HOLDER WITH	:	
BUMPER GUARDS	:	

This is a decision in response to the "Petition to Withdraw Holding of Abandonment," filed October 1, 2007. The petition is properly treated under 37 CFR 1.181. The delay in treating this petition is regretted.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Office action, mailed December 1, 2006. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been filed, the application became abandoned March 2, 2007. A Notice of Abandonment was mailed June 20, 2007.

Applicant filed a letter on June 7, 2007, explaining a telephone conversation putatively held with the Examiner on February 15, 2007, wherein the Examiner indicated a Notice of Allowance.was forthcoming.

Applicant filed a second letter on July 2, 2007, reiterating the alleged telephone conversation with the Examiner on June 15, 2007, and also filed a letter to the supervisor of Technology Center Art Unit 3611 wherein Applicant states that he telephoned the Examiner Office on March 29, 2007 and left a clear voice mail message, but received no return call.

Applicant further explains in the letter to the supervisor, that he called the supervisor of Group Art Unit 3611 who said she would discuss the matter with the Examiner and advise Applicant. However, no advice was forthcoming.

Finally, the July 2, 2007 letter addresses the December 1, 2006 Office action. Applicant asserts that the Office action was problematic in that the Office action indicated that the action was both non-final and final, and the Office action stated that claims 75 are objected to. Applicant provides that he called the Examiner and who stated that claim 75 was meant to be claim 7. Applicant admits in the letter to the supervisor that "[i]t appears clear that Claims 6 and 7 were either allowed or allowable if I properly responded." Applicant then refers to his December 29, 2005 response.

The present petition

Applicant files the present petition and asserts that the file has been a complete mess and extremely confusing due to non-returned calls, non-returned communications, and un-kept promises by the Office to Applicant's attorney. By way of example of these allegations, Applicant notes the Office communication's indication that the Office action was both final and non-final, and the Office action's indication that claim 75 are objected to. Applicant concludes "[t]hus, the Office Action itself makes absolutely no sense, phone calls from Applicant's attorney to various personnel in the Patent Office were never returned, Office actions were more than confusing, etc.

Applicant notes that the Image File Wrapper System ("IFW") shows the Office action as being non-final, whereas the Transaction History on the USPTO website shows the Office action as final. Applicant therefore requests withdrawal of the holding of abandonment.

Applicable Law Rules and MPEP

The applicable statute, 35 U.S.C. § 133, Time for prosecuting application, states

> Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable.

Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See Lorenz v. Finkl, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); Krahn v. Commissioner, 15 USPQ2d 1823, 1824 (E.D. Va 1990); In re Application of Fischer, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

It is well settled that the use of "shall" in a statute is the language of command, and where the directions of a statute are mandatory, strict compliance with the statutory terms is essential. Farrel Corp. v. U.S. Int'l Trade Comm'n, 942 F.2d 1147, 20 USPQ2d 1912 (Fed. Cir. 1991).

This section of the statute is further clarified in Office rule 37 CFR § 1.135, Abandonment for failure to reply within time period, which states

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
> (c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

This section explains that the reply must be both complete and proper as the condition of the application may require.

As provided in the Manual of Patent Examining Procedure,

> [w]here an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee. Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment), a petition under 37 CFR 1.137 (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

MPEP 711.03(c).

Applicant is reminded that all business with this Office must be conducted in writing. The applicable rule, 37 CFR 1.2 states:

> All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

Analysis

Applicant filed a letter on June 7, 2007, explaining a telephone conversation putatively held with the Examiner on February 15, 2007, wherein the Examiner indicated a Notice of Allowance.was forthcoming.

In this instance, Applicant did not file a reply to the Office action. Instead, Applicant says he telephoned this Office for clarification of the Office action. Thereafter, Applicant waited for a Notice of Allowance. The MPEP 711.03(c), explaining unavoidable delay, proves instructive. It states:

> Delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP, however, does not constitute "unavoidable" delay. See Haines, 673 F. Supp. at 317, 5 USPQ2d at 1132; Vincent v. Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891). For example, as 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, 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. Likewise, as a "reasonably prudent person" would file papers or fees in compliance with 37 CFR 1.8 or 1.10 to ensure their timely filing in the USPTO, as well as preserve adequate evidence of such filing, a delay caused by an applicant's failure to file papers or fees in compliance with 37 CFR 1.8 and 1.10 does not constitute "unavoidable" delay. See Krahn, 15 USPQ2d at 1825. Finally, 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). (Emphasis supplied).

While this section refers to a final Office action, the principal is equally applicable to a non-final Office action. The applicable statute and rule do not differentiate between a final and a non-final Office action. The law states

> Upon failure of the applicant to prosecute the application within six months after **any** action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Director in such action, the application shall be regarded as abandoned by the parties thereto.... (Emphasis supplied).

The rule similarly states:

> If an applicant of a patent application fails to reply within the time period

> provided under § 1.134[1] and § 1.136, the application will become abandoned unless an Office action indicates otherwise

Here, Applicant failed to file a reply to the Office action. Instead, Applicant filed letters after the application had become abandoned, pointing out errors in the Office action. Applicant provides that he called the Examiner and who stated that claim 75 was meant to be claim 7[2]. Applicant admits in the letter to the supervisor that "[i]t appears clear that Claims 6 and 7 were either allowed or allowable if I properly responded." Applicant then refers to his December 29, 2005 response[3]. Applicant, however, never filed a proper response to the Office action. Applicant, a registered practitioner, is aware that all business with this Office is to be conducted in writing. Applicant chose to telephone the Examiner, and did not follow-up on the telephone conversation until March 29, 2007, over three weeks after the response was due and the application had become abandoned.

Applicant asserts that the file has been a complete mess and extremely confusing due to non-returned calls, non-returned communications, and un-kept promises by the Office to Applicant's attorney. By way of example of these allegations, Applicant notes the Office communication's indication that the Office action was both final and non-final, and the Office action's indication that claim 75 are objected to. Applicant concludes "[t]hus, the Office Action itself makes absolutely no sense, phone calls from Applicant's attorney to various personnel in the Patent Office were never returned, Office actions were more than confusing, etc. Applicant, however, admits that he called the Examiner and who stated that claim 75 was meant to be claim 7. Applicant admits in the letter to the supervisor that "[i]t appears clear that Claims 6 and 7 were either allowed or allowable if I properly responded

Here, there is no disagreement as to the sufficiency of the reply, because no timely or proper reply was filed[4]. Applicant's contentions involve the cause of the abandonment, to wit, whether the Office action was sufficiently confusing to render Applicant unable to file a reply? Since no

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[1] 37 CFR 1.134 states: "An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed." It does not differentiate between a final or non-final Office action.

[2] A review of page 4 of the "Detailed Action" section of the Office action, which Applicant refers to in the letter, reveals that the Office action clearly refers to claim 7, and not claim 75. Moreover, Applicant's Amendment in response to the non-final Office action, filed on January 5, 2006, attempted to "substitute new claims 6 and 7 and delete pending claims 4 and 5." There clearly was no claim 75. Further to this, in the corrected Amendment, filed July 25, 2006 in response to the Notice of Non-Compliant Amendment, Applicant filed claims that ended with new claim 7. Applicant was clearly on notice that no claim 75 existed in the application.

[3] A review of the response allegedly filed on December 29, 2005 reveals that the signature page 3 contains the date of December 29, 2005, whereas the Certificate of Mailing (page 4) contains a date of execution by Petitioner of January 3, 2006.

[4] Because the Office communication failed to adequately inform Applicant of the finality of the Office action, the Office action may be treated as non-final. The required reply to a non-final action in a nonprovisional application abandoned for failure to prosecute may be either:
(A) an argument or an amendment under 37 CFR 1.111;
(B) the filing of a continuing application under 37 CFR 1.53(b) (or a continued prosecution application (CPA) under 37 CFR 1.53(d) if the application is a design application).

timely or proper reply to the Office action was filed, the application is abandoned. As stated in the MPEP: Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment), a petition under 37 CFR 1.137 (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Alternate Venue

Applicant is urged to file a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in was "unavoidable."

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Director for Patents PO Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this Decision should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : October 11, 2006

TO SPE OF : ART UNIT 2834

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/035196 Patent No.: 7,019,429 B2

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Elisha Evans

Certificates of Correction Branch

703-308-9390 ext. 110

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

TRAN NGUYEN
PRIMARY EXAMINER

2834

SPE **Art Unit**

approved for entry
11/3/06
OIPE IAP99
SEP 15 2006
PATENT & TRADEMARK OFFICE

P26554.A20

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s)	: K. SASAKI et al.	**Certificate of Corrections Branch**
Patent No.	: 7,019,427	Issued: March 28, 2006
Appl. No.	: 11/035,196	Filed: January 14, 2005
For	: PERMANENT MAGNET SYNCHRONOUS MOTOR	

COVER LETTER FOR REQUEST FOR CERTIFICATE OF CORRECTION

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Attached are a Request and a proposed Certificate of Correction in connection with the above-identified patent.

A check in the amount of $100.00 is enclosed to cover the fee. The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, to Deposit Account No. 19-0089.

Respectfully submitted,
K. SASAKI et al.

William Pieprz
Reg. No. 33,630

Bruce H. Bernstein
Reg. No. 29,027

Certificate
SEP 20 2006
of Correction

September 14, 2006
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

{P26554 00057575.DOC}

SEP 20 2006

approved entered EPM 11/3/06

PTO/SB/44 (04-05)
Approved for use through 04/30/2007. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,019,427

APPLICATION NO.: 11/035,196

ISSUE DATE : March 28, 2006

INVENTOR(S) : K. SASAKI et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover of the printed patent, at Item (56), References Cited, Other Publications, "English Language Abstract of JP-29-23179" should be —English Language Abstract of JP 59-23179—.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191

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.

TF 2007

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
11/035,205	01/12/2005	2818	1000	S05-02	4	19	2

CONFIRMATION NO. 1902

22443
LAW OFFICE OF MONICA H CHOI
P O BOX 3424
DUBLIN, OH 430160204

CORRECTED FILING RECEIPT

OC000000015572328

Date Mailed: 03/25/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Beak-Hyung Cho, Osan-Si, KOREA, REPUBLIC OF;
Du-Eung Kim, Yongin-Si, KOREA, REPUBLIC OF;

Power of Attorney:

Monica Choi--41671

Domestic Priority data as claimed by applicant

Foreign Applications

REPUBLIC OF KOREA 2004-41678 06/08/2004

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 US11/035,205

Projected Publication Date: 12/08/2005

Non-Publication Request: No

Early Publication Request: No

Title

Memory device with reduced word line resistance

Preliminary Class

365

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).

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

JJGJR.: 02-06

Paper No: __

DLA PIPER RUDNICK
GRAY CARY US, LLP
2000 UNIVERSITY AVENUE
E. PALO ALTO CA 94303-2248

COPY MAILED

FEB 0 2 2006

OFFICE OF PETITIONS

In re Application of	:	
Coluccio	:	
Application No. 11/035,206	:	DECISION ON PETITION
Filing Date:13 January, 2005	:	
Attorney Docket No. 2503198-991101	:	

This is a decision on the petition filed on 17 November, 2005, to revive the instant application under 37 C.F.R. §1.137(b) as having been abandoned due to unintentional delay.

For the reasons set forth below, the petition under 37 C.F.R.§1.137(b) is **GRANTED**.

BACKGROUND

The record reflects that:

- Petitioner failed to reply timely and properly to the Notice of Missing Parts (oath/declaration and surcharge) mailed on 1 March, 2005, with reply due absent extension of time on or before Monday, 2 May, 2005;
- the application went abandoned after midnight 1May, 2005;
- the Office mailed the Notice of Abandonment on 3 November, 2005;
- on 17 December, 2005, Petitioner filed the instant petition with, *inter alia*, an executed oath/declaration, surcharge and an unnecessary request/fee for extension of time.

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[1]

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority. The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.[2]

Delays in responding properly raise the question whether delays are unavoidable.[3] Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).[4] And the Petitioner must be diligent in attending to the matter.[5] Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[6]))

Allegations as to Unintentional Delay

A grantable petition under 37 C.F.R. §1.137(b) requires a petition, fee, statement of unintentional delay, reply, and a terminal disclaimer and fee if appropriate.

---

[1] 35 U.S.C. §133 provides:
35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[2] Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.

[3] See: *Changes to Patent Practice and Procedure; Final Rule Notice*, 62 *Fed. Reg.* at 53158-59 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* at 86-87 (October 21, 1997).

[4] See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

[5] See: Diligence in Filing Petitions to Revive and Petitions to Withdraw the Holding of Abandonment, 1124 Off. Gaz. Pat. Office 33 (March 19, 1991). It was and is Petitioner's burden to exercise diligence in seeking either to have the holding of abandonment withdrawn or the application revived. See 1124 Off. Gaz. Pat. Office supra.

[6] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

As indicated above, Petitioner has provided a petition, fee, reply and statement as required by regulation.

CONCLUSION

The petition under 37 C.F.R. §1.137(b) is **granted**; the fee for the unnecessary extension of time is refunded.

The instant application is released to OIPE for further processing before being forwarded for substantive examination.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES, IA 50309-2721

Mail Date: 04/20/2010

Applicant	: Eric Johnson	: DECISION ON REQUEST FOR
Patent Number	: 7588405	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/035,221	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **813** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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JUN 0 2 2005

OFFICE OF PETITIONS

CORNING CABLE SYSTEMS LLC
P O BOX 489
HICKORY NC 28603

In re Application of
Bloodworth et al.
Application No. 11/035,244
Deposited: January 13, 2005
Attorney Docket No.: HE0250

DECISION GRANTED

This is a decision on the "Petition under 37 CFR 1.181" filed April 28, 2005, requesting that the above-identified application be accorded the filing date of January 13, 2005.

Application papers in the above-identified application were deposited on January 13, 2005. However, on February 13, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application", notifying applicants that the application papers had **not** been accorded a filing date because the application was deposited without a complete specification which includes at least one claim pursuant to 35 USC 112. The Notice also stated the papers were deposited without an abstract and that pages 27-32 of the specification appeared to have been omitted.

In response, 32 sheets of specification, including pages 27-32 (pages 28-31 contain claims) the abstract and the present petition were filed on November 15, 2004. The petition contends that the application as filed included a complete specification which included at least one claim. In support, the petition is accompanied by a copy of applicant's postcard receipt which acknowledges receipt in the office of "32 pages, Application papers " on January 13, 2005.

Applicant's postcard receipt is prima facie[1] evidence that 32

[1]A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of

pages of application including a complete specification with at least claim were received on January 13, 2005, but a complete specification with at least one claim is not present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that 32 pages of application papers including at least one claim were received on January 13, 2005, as shown in counsel's file, and later misplaced in the Office.

The petition is Granted.

Since the original complete specification including at least one claim cannot be located in the Office, the copy of the specification, claims and abstract (pages 27-32) supplied on April 28, 2005, will be used for processing and examination purposes.

The $400.00 petition fee will be refunded to deposit account 19-2167.

The application will be returned to the Office of Initial Patent Examination for further processing with a **filing date of January 13, 2005**, using the specification submitted on January 13, 2005 and substitute pages 27-32 of the specification (including at least one claim) supplied on April 28, 2005.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petition Attorney
Office of Petitions

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receipt in the office of all items listed thereon. See MPEP 503.

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CRAIG W. RODDY
HALLIBURTON ENERGY SERVICES
P.O. BOX 1431
DUNCAN OK 73536-0440

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DEC 0 7 2007

OFFICE OF PETITIONS

In re Application of	:	
Lance E. Brothers	:	
Application No. 11/035,247	:	DECISION GRANTING PETITION
Filed: January 13, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. HES-2003-IP-009619U1D1	:	

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 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 July 12, 2006, is accepted as having been unintentionally delayed.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center AU 1755 to consider the amendment received June 4, 2007.

Karen Creasy
Petitions Examiner
Office of Petitions

cc:
BAKER BOTTS L.L.P.
ONE SHELL PLAZA
910 LOUISIANA
HOUSTON, TX 77002

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/035,249	01/12/2005	James G. Douvikas	10992822-3	3952

7590 04/14/2008

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER	
CASLER, TRACI	

ART UNIT	PAPER NUMBER
3629	

MAIL DATE	DELIVERY MODE
04/14/2008	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: 04/14/2008 DTERRY
01/21/2005 HTECKLU1 00000070 082025 11035249
02 FC:1111 500.00 CR
04 FC:1202 700.00 CR
05 FC:1201 800.00 CR

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WEAVER AUSTIN VILLENEUVE & SAMPSON LLP-IGT
ATTN: IGT
P.O. BOX 70250
OAKLAND CA 94612-0250

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OCT 16 2008

OFFICE OF PETITIONS

In re Application of
Ali M. Saffari et al
Application No. 11/035,270
Filed: January 12, 2005
Attorney Docket No. IGT1P189/P-1013

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 October 15, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 30, 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 3714 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Hassan 11-035277 Group Art Unit: Unassigned 1723

Application Serial No.: Unassigned Examiner: Unassigned Fortuna, Ana

Filed: January 14, 2005 (herewith) Attorney Docket No.: 027592-00003

For: An Optimal High Recovery, Energy Efficient Dual Fully Integrated Nanofiltration Seawater Reverse Osmosis Desalination Process and Equipment

January 14, 2005

* * * * * *

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(c)

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The applicant respectfully requests that the examination of the application be advanced on the basis of his age. The applicant submits herewith a copy of one page of his United States passport, which shows his birth date (May 7, 1927), evidencing that he is more than 65 years of age.

The applicant believes that no fee is due with respect to this petition. In the even that a fee is required, it may be charged to Deposit Account No. 01-2300, referencing Attorney Docket No. 027592-00003.

Respectfully submitted,

ARENT FOX PLLC

Gautam Prakash

Gautam Prakash, Ph.D.
Registration No.: 53,481
Direct Telephone No.: 202-857-6057

Customer No.: **004372**

1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5339

Telephone No.: 202-857-6000
Facsimile No.: 202-857-6395

TECH/279589.1

PETITION GRANTED

Richard Crispino
Special Program Examiner
TC 1700

OCT 2 0 2005

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DIW Jun-05

ARENT FOX PLLC
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

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JUN 2 0 2005

OFFICE OF PETITIONS

In re Application of :
Ata M. Hassan :
Application No. 11/035,278 : DECISION DISMISSING PETITION
Filed: 14 January, 2005 :
Atty Docket No. 027592-00002 :

This is a decision in reference to the paper filed on 18 May, 2005, which is treated as a petition, requesting that the above-identified application be accorded a filing date of 14 January, 2005, with Figure 18 described in the specification as a part of the original disclosure.

The petition is dismissed.

On 14 January, 2005, the application was filed.

Accordingly, on 6 April, 2005, Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application stating that Figure 18 described in the specification appeared to have been omitted from the application. In response, on 18 May, 2005, the present petition and a copy of one (1) sheet of drawings containing Figure 18.

Petitioner concedes that Figure 18 was not among the application papers filed on 14 January, 2005, but, *inter alia*, does not contain new matter. Petitioner requests that the application, including Figure 18, be accorded a filing date of 14 January, 2005.[1]

The mailing of a "Notice of Omitted Items" permits the applicant to either: (1) promptly establish prior receipt in the PTO of the

[1] The petition requests that the application be accorded a filing date of 15 January, 2005. As the filing date of the application is 14 January, 2005, and no papers were filed on 15 January, 2005, it appears that the date of 15 January, 2005, is a typographical error.

drawing(s) at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the missing drawings were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted drawings in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted drawing(s) with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such drawing(s) and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the "Notice of Omitted Items" (37 CFR 1.181(f)).

In this case, however, petitioner neither asserts that the missing page of specification was deposited on 14 January, 2005, nor request the 18 May, 2005 (the date the drawings were supplied), filing date. Instead, petitioner states that the omitted Figure does not contain any new matter.

As Figure 18 was not present on 14 January, 2005, the application cannot be accorded a filing date of 14 January, 2005, with Figure 18 as a part of the original disclosure. Still further, the question of new matter is not an issue here. Figure 18 simply was not filed in the USPTO on 14 January, 2005.

Petitioner may wish to consider filing Figure 18 as a preliminary amendment.

The application will be processed using only the application papers present on filing.

As this petition was necessitated by applicants' filing error rather than an error on the part of the Office, a petition fee of $400.00 is due. Although the petition states a check for $400.00 was enclosed, no check is located among the papers received with the petition on 18 May, 2005. As such, $400.00 will be charged to counsel's deposit account, No. 01-2300, as authorized in the petition.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of 14 January, 2005, using only the application papers filed on that date.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Hassan

Application Serial No.: Unassigned 11-035278

Filed: January 14, 2005 (herewith)

Group Art Unit: Unassigned 1723

Examiner: Unassigned Fortuna, A

Attorney Docket No.: 027592-00002

For: New Fully Integrated NF-Thermal Seawater Desalination Process and Equipment

January 14, 2005

* * * * * *

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(c)

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The applicant respectfully requests that the examination of the application be advanced on the basis of his age. The applicant submits herewith a copy of one page of his United States passport, which shows his birth date (May 7, 1927), evidencing that he is more than 65 years of age.

The applicant believes that no fee is due with respect to this petition. In the even that a fee is required, it may be charged to Deposit Account No. 01-2300, referencing Attorney Docket No. 027592-00002.

Respectfully submitted,

ARENT FOX PLLC

Gautam Prakash, Ph.D.
Registration No.: 53,481
Direct Telephone No.: 202-857-6057

Customer No.: **004372**

1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5339
Telephone No.: 202-857-6000
Facsimile No.: 202-857-6395

TECH/279588.1

PETITION GRANTED

Richard Crispino
Special Program Examiner
TC 1700

OCT 20 2005

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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
11/035,288	01/13/2005	2819	1450	1532-CA	16	25	4

CONFIRMATION NO. 3169

33438
HAMILTON & TERRILE, LLP
P.O. BOX 203518
AUSTIN, TX 78720

CORRECTED FILING RECEIPT

OC000000015607122

Date Mailed: 03/30/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

John L. Melanson, Austin, TX;

Power of Attorney:

Gary Hamilton–31834
Stephen Terrile–32946
Michael Cannatti–34791
Steven Lin–35250
Kent Chambers–38839
Gregory Thomas–39855
Robert Holland–40020

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/537,285 01/16/2004
and claims benefit of 60/539,132 01/26/2004
and claims benefit of 60/588,951 07/19/2004

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 US11/035,288

Projected Publication Date: 07/21/2005

Non-Publication Request: No

BEST AVAILABLE COPY

Early Publication Request: No

Title

Jointly nonlinear delta sigma modulators

Preliminary Class

341

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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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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BIB DATA SHEET

CONFIRMATION NO. 3075

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
11/035,298	01/12/2005	257	2812	MI22-2718

APPLICANTS

Eric R. Blomiley, Boise, ID;
Gurtej S. Sandhu, Boise, ID;
Cem Basceri, Reston, VA;
Nirmal Ramaswamy, Boise, ID;

**** CONTINUING DATA **************************

This application is a CIP of 10/932,151 09/01/2004

**** FOREIGN APPLICATIONS **************************

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****

03/03/2005

Foreign Priority claimed ☐ Yes ☑ No 35 USC 119(a-d) conditions met ☐ Yes ☑ No Verified and Acknowledged /RON EVERETT POMPEY/ Examiner's Signature	☐ Met after Allowance RP Initials	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
		ID	6	46	4

ADDRESS

WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201
UNITED STATES

TITLE

Methods of forming a layer comprising epitaxial silicon, and methods of forming field effect transistors

FILING FEE RECEIVED	FEES: Authority has been given in Paper	☐ All Fees
4120	No._____ to charge/credit DEPOSIT ACCOUNT	☐ 1.16 Fees (Filing)
	No._____ for following:	☐ 1.17 Fees (Processing Ext. of time)
		☐ 1.18 Fees (Issue)
		☐ Other _____
		☐ Credit

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

ROBERT A. KENT
P.O. BOX 1431
DUNCAN, OK 73536

Mail Date: 04/20/2010

Applicant	: Billy F. Slabaugh	: DECISION ON REQUEST FOR
Patent Number	: 7637322	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/035,305	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **164** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/035,322	01/14/2005	Hisakazu Okamoto	264632US2S CONT	3232

7590 03/03/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
SANEI, HANA ASMAT	

ART UNIT	PAPER NUMBER
2889	

NOTIFICATION DATE	DELIVERY MODE
03/03/2008	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

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.
11/035,322	01/14/2005	Hisakazu Okamoto	264632US2S CONT	3232

7590 03/03/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
SANEI, HANA ASMAT	

ART UNIT	PAPER NUMBER
2889	

NOTIFICATION DATE	DELIVERY MODE
03/03/2008	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: 03/04/2008 KKING1
01/21/2005 AKELECH1 00000115 11035322
02 FC:1111 -500.00 DP
05 FC:1201 -3800.00 DP
06 FC:1202 -2900.00 DP
07 FC:1203 -360.00 DP

Refund Ref:
03/04/2008 0030051446

Credit Card Refund Total: $7560.00

Am Exp..: XXXXXXXXXXX1007

OIPE MAIL
NOV 16 2005
PATENT & TRADEMARK OFFICE

11-17-05

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael R. Levine
Attorney Docket: LVN-09003/03
Serial No. : 11/035,339
Group Art Unit: 1764
Filed: January 13, 2005
Examiner: ----------
For: LOW ENERGY VACUUM DISTILLATION METHOD AND APPARATUS

PETITION TO MAKE SPECIAL
BECAUSE OF APPLICANT'S AGE

Mail Stop
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions to make this application special because Applicant is over 65 years of age. Applicant's declaration in support of this petition is attached hereto. No fee is required with this petition, in accordance with 37 CFR Section 1.102(c).

Respectfully submitted,

Allen M. Krass, Reg. No. 18,277
Attorney for Applicant
Gifford, Krass, Groh, Sprinkle,
Anderson & Citkowski, P.C.
2701 Troy Center Drive Suite 330
Troy, MI 48007-7021
(248) 647-6000

AMK/jrb

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail # ~~EV734434600 US~~ in an envelope addressed to Mail Stop Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on 11-16-2005, 2005.

Jennifer Baranowski

PETITION GRANTED

EV734434685US

William Krynski
Special Program Examiner
TC1700

DEC 7 2005

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NOBLITT & GILMORE LLC
4800 NORTH SCOTTSDALE ROAD
SUITE 6000
SCOTTSDALE, AZ 85251

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SEP 07 2006

OFFICE OF PETITIONS

In re Application of :
Karan Singh et al :
Application No. 11/035,364 : DECISION ON PETITION
Filed: January 12, 2005 :
Attorney Docket No. MCT.0100 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 6, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed March 17, 2005. The Notice set a period for reply of two (2) months from the mail date of the Notice within which to submit replacement drawings, a $250 application search fee, and a $100 examination fee. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 18, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply; *i.e.*, the items required by the Notice of March 17, 2005, (2) the petition fee of $750; and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice of March 17, 2005 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This application is being referred to the Office of Initial Patent Examination for pre-examination processing.

Frances Hicks
Petitions Examiner
Office of Petitions

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HONEYWELL/BLG
Patent Services
101 Columbia Road
PO Box 2245
Morristown, NJ 07962-2245

Mail Date: 04/20/2010

Applicant	: Nicolo F. Machi	: DECISION ON REQUEST FOR
Patent Number	: 7645053	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/035,365	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/13/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **391** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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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FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON, MA 02110

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SEP 0 1 2009

OFFICE OF PETITIONS

In re Application of :
Robert N. Hotchkiss, et al. :
Application No. 11/035,375 : DECISION ON PETITION
Filed: January 13, 205 : TO WITHDRAW
Attorney Docket No. OBK-001.01 : FROM RECORD
:

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 8, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Foley Hoag, LLP has been revoked by the assignee of the patent application on July 28, 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 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: ROBERT N. HOTCHKISS
144 INDIAN HEAD ROAD
RIVERSIDE, CT 06878

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/035,375	01/13/2005	Robert N. Hotchkiss	OBK-001.01

CONFIRMATION NO. 1251

POWER OF ATTORNEY NOTICE

25181
FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON, MA 02110

Date Mailed: 08/27/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/28/2009.

- 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).

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Larson, Newman, Abel, Polansky & White, LLP
5914 West Courtyard Drive
Suite 200
Austin, TX 78730

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FEB 13 2008

OFFICE OF PETITIONS

In re Application of :
Glen M. Gregrich :
Application No. 11/035,389 : DECISION ON PETITION
Filed: January 13, 2005 : TO WITHDRAW
Attorney Docket No. 1070-06SYN576 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed January 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. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by John R. Schell on behalf of all attorneys/agents associated with customer number 34456. All attorneys/agents of record associated with customer number 34456 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 inventor. A courtesy copy of this decision will be mailed to the address noted on the request to withdraw. If this firm desires to receive future correspondence regarding this application, the proper power of attorney documents must be submitted.

Applicant is reminded that there is no attorney of record at this time.

A non-final rejection was mailed on November 27, 2007. Failure to timely respond will result in the abandonment of this application.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Glenn M. Gregrich
3421 Charring Cross Drive
Stow, OH 44224

cc: Ms. Sonu Weaver
Eaton Corporation
26201 Northwestern Hwy.
Southfield, MI 48076-3926

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
11/035,389	01/13/2005	Glenn M. Gregrich	1070-06SYN576

CONFIRMATION NO. 6761

34456
LARSON NEWMAN ABEL POLANSKY & WHITE, LLP
5914 WEST COURTYARD DRIVE
SUITE 200
AUSTIN, TX 78730

POWER OF ATTORNEY NOTICE

Date Mailed: 02/13/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/22/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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OFFICE OF PETITIONS

MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO
ONE FINANCIAL CENTER
BOSTON MA 02111

In re Application of	:	DECISION ON
Bhatia et al.	:	PETITION
Application No.: 11/035394	:	
Filing or 371(c) Date: 01/12/2005	:	
Attorney Docket Number: 36796-503001US	:	

This is a decision in response to the Petition Under 37 CFR 1.181 to Withdraw Holding of Abandonment, filed May 14, 2009.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the final Office action mailed October 22, 2007. The final office action indicated that no claims were allowed. Extensions of time under 37 CFR 1.136(a) were available.

Applicant filed an Amendment in response to the Office action on December 21, 2007, and subsequently filed a Notice of Appeal and fee on April 28, 2008 (Certificate of Mailing dated April 22, 2008), along with a three (3) month extension of time request and fee. The Amendment failed to place the application in condition for allowance. Applicant was so notified in an Advisory Action mailed May 1, 2008.

No complete and proper reply having been received, the application became abandoned on January 23, 2008. A Notice of Abandonment was mailed October 2, 2008.

The present petition

Applicant files the present petition and asserts that a timely reply to the Office action, to wit – a Notice of Appeal and Extension of time request and fee, were filed on April 28, 2008 (Certificate of Mailing dated April 22, 2008). In support of this assertion, Applicant files a copy of an Interview Summary wherein it is noted that the Notice of Abandonment was hterein rescinded.

After filing the Notice of Appeal, Applicant filed a Request for Continued Examination ("RCE") and fee, and a five (5) month Extension of Time request and fee, and the Amendment filed December 21, 2007 as the submission required under 37 CFR 1.114, on November 14, 2008..

A review of the Notice of Appeal and Extension of time request and fee, filed on April 28, 2008 reveals that they contain a Certificate of Mailing executed on April 22, 2008, and executed by Kim A. Cabello. A review of the present petition reveals that no statement from Ms. Cabello, attesting to the timely mailing of the reply, has been included therewith.

Applicable Law, Rules and MPEP

37 CFR 1.8(b), Certificate of mailing or transmission, states:

> (b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:
> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
> (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
> (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.
> (c) The Office may require additional evidence to determine if the correspondence was timely filed. (Emphasis supplied).

37 CFR 1.8(b)

Analysis/Conclusion

While Applicant has demonstrated, and Office records confirm, that the Notice of Appeal and Extension of time request and fee were filed on April 28, 2008, Applicant has failed to demonstrate that the reply should be considered as having been timely filed in accordance with 37 CFR 1.8(a). Applicant has failed to comply with 37 CFR 1.8(b)(3). In this regard, a statement from Ms. Cabello, which attests on a personal knowledge basis to the previous timely mailing, is required.

The petition is dismissed without prejudice. Applicant should file a request for reconsideration of petition and include the necessary statement.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Director for Patents PO Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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ONE FINANCIAL CENTER
BOSTON MA 02111

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OCT 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	DECISION ON
Bhatia et al.	:	PETITION
Application No.: 11/035394	:	
Filing or 371(c) Date: 01/12/2005	:	
Attorney Docket Number: 36796-503001US	:	

This is a decision in response to the Renewed Petition Under 37 CFR 1.181 to Withdraw Holding of Abandonment, filed August 13, 2009.

This Petition is hereby **granted**.

Background

The above-identified application became abandoned for failure to timely and properly reply to the final Office action mailed October 22, 2007. The final office action indicated that no claims were allowed. Extensions of time under 37 CFR 1.136(a) were available.

Applicant filed an Amendment in response to the Office action on December 21, 2007, and subsequently filed a Notice of Appeal and fee on April 28, 2008 (Certificate of Mailing dated April 22, 2008), along with a three (3) month extension of time request and fee. The Amendment failed to place the application in condition for allowance. Applicant was so notified in an Advisory Action mailed May 1, 2008.

No complete and proper reply having been received, the application became abandoned on January 23, 2008. A Notice of Abandonment was mailed October 2, 2008.

Applicant filed a petition to withdraw the holding of abandonment on May 14, 2009; however, the petition was dismissed in a Decision mailed June 16, 2009. The Decision dismissing the petition required a statement from Ms. Cabello, attesting to the timely mailing of the reply.

The present renewed petition

With the present renewed petition, Applicant has demonstrated non-receipt of the Office Action by a preponderance of the evidence.

The holding of abandonment is hereby withdrawn.

The application will be referred to Technology Center Art Unit 1651 for processing of the RCE and previously filed Amendment, filed December 21, 2007.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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APPLE INC./BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 04/21/2010

Applicant	: Gerhard Lengeling	: DECISION ON REQUEST FOR
Patent Number	: 7603623	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/035,436	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/07/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1316** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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JJGJr: 06-05

Paper No: __

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OFFICE OF PETITIONS

EGBERT LAW OFFICES
412 MAIN STREET, 7TH FLOOR
HOUSTON TX 77002

In re Application of :
Chen :
Application No. 11/035441 : ON PETITION
Filed/Deposited: 14 January, 2005 :
Attorney Docket No. 4-1103 :

This is a decision on the petition filed on 8 April, 2005, considered under 37 C.F.R. §1.53, to obtain a filing date of 14 January, 2005, for Fig. 5 as described in the specification.

For the reasons set forth below, the petition is **GRANTED**.

BACKGROUND

After this application was deposited on 14 January, 2005:

- on 23 March, 2005, the Office mailed a Notice of Omitted Items reflecting the absence of Fig. 5, 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 8 April, 2005, with, *inter alia*, a copy of the

date-stamped ("011405") receipt card (see: MPEP §503[1]), a copy of the drawing sheet averred to be Fig. 5 submitted with the original 14 January, 2005, deposit, and a request for refund of the petition fee.

Analysis

A search of the official file reveals that:

- on 14 January, 2005, Petitioner deposited the instant application;
- the date-stamped receipt card evidences the following, in pertinent part:

* * *

Also enclosed is: 7 sheets of drawing (sic); an Oath; and Power of Attorney.

* * *

Because Petitioner's receipt card adequately itemized the contents of the application on the receipt card, it is concluded that the application, including Fig. 5, were deposited with the Office

---

[1] MPEP §503 provides in pertinent part:

§503 Application Number and Filing Receipt

* * *

A return postcard should be attached to *each* patent application for which a receipt is desired. It is important that the return postcard itemize all of the components of the application. If the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO). It should be recognized that the identification of an application by application number does not necessarily signify that the USPTO has accepted the application as complete (37 C.F.R. §1.53(a)).

* * *

RETURN POSTCARD

If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).

The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as *prima facie* evidence of receipt of those items.

The person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the post-card initialed by the person receiving the items. Upon return of a postcard receipt from the USPTO, the postcard receipt should be promptly reviewed by the person who filed the items to ensure that every item specifically denoted on the postcard was received by the USPTO. If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as *prima facie* evidence of receipt of that item in the USPTO. (Emphasis supplied.)

on 14 January, 2005, and Fig.5 subsequently was misplaced in the Office.

Accordingly, Fig. 5 is entitled to a filing date with the application as filed.

The Notice of Omitted Items mailed on 23 March, 2005, was sent in error and is hereby vacated to the extent that it stated that a page/sheet had been omitted.

CONCLUSION

The petition is **granted** and the petition fee waived and refunded via Treasury check.

This application is released to OIPE for further processing with a filing date of 14 January, 2005, for the entire application and in particular for the specification (9 pages, including description claims and abstract), and 7 sheets of drawings, including Fig. 5, using:

- **9 pages of specification (description, claims and abstract), and the 6 sheets of drawings (Figs. 1 - 4 and 6 - 7) deposited on 14 January, 2005; and**
- **the 1 sheet of drawings (Fig. 5) deposited on 8 April, 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 14 January, 2005, and reflecting therein that 9 pages of specification (description, claims and abstract) and 7 sheets of drawings were present on filing.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WOLF GREENFIELD & SACKS, PC
FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON, MA 02210-2211

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FEB 21 2006

OFFICE OF PETITIONS

In re Application of :
Robert Dobbs :
Application No. 11/035,455 : ON PETITION
Filed: January 14, 2005 :
Attorney Docket No. P0806.70004US03 :

This is a decision on the petition under 37 CFR 1.10(c), filed May 12, 2005, requesting that the above-identified application be accorded a filing date of January 14, 2005. The petition was recently forwarded to this office for consideration.

The United States Patent and Trademark Office records indicate that the presently accorded filing date of the above-identified application is January 14, 2005. Therefore, the petition involves a moot issue.

A replacement filing receipt is enclosed for petitioner's records.

Accordingly, the petition is dismissed.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: Replacement filing receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/035,455	01/14/2005	1754	6530	P0806.70004US03	2	91	3

CONFIRMATION NO. 2037

23628
WOLF GREENFIELD & SACKS, PC
FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON, MA 02210-2211

REPLACEMENT FILING RECEIPT

OC000000018085590

Date Mailed: 02/17/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Robert Dobbs, Newfield, NY;

Power of Attorney: The patent practitioners associated with Customer Number **23628**.

Domestic Priority data as claimed by applicant

This application is a CON of 10/797,343 03/10/2004
which claims benefit of 60/453,427 03/11/2003

Foreign Applications

If Required, Foreign Filing License Granted: 06/01/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/035,455

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Method for producing fine denitrided metal particles using multi-carbide grinding media

Preliminary Class

423

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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PASTEL LAW FIRM
CHRISTOPHER R. PASTEL
8 PERRY LANE
ITHACA NY 14850-9267

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JUN 0 6 2005

OFFICE OF PETITIONS

In re Application of
Dobbs
Application No.: 11/035,457
Filed: January 15, 2005
Attorney Docket No. 498-017
For: METHOD FOR PRODUCING FLUIDS HAVING SUSPENDED ULTRASMALL PARTICLES USING MULTI-CARBIDE GRINDING MEDIA

: DECISION GRANTING
: PETITION

This is a decision on the petition under 37 CFR 1.10(c), filed May 13, 2005, requesting that the above-identified application be accorded a filing date of January 14, 2005, instead of the presently accorded filing date, which is January 15, 2005.

Petitioner alleges that the application was deposited in Express Mail service with the U. S. Postal Service, on January 14, 2005. In support, petitioner provided a copy of the Express Mail label, receipt no. EV557407838US, showing a Date In of "1 14 05" and a postal date stamp of " JAN 14 2005" affixed thereto. The same Express Mail label number is referenced in the Utility Patent Application Transmittal filed with the application papers. Petitioner requests that the application be accorded a filing date of January 14, 2005.

The Office considers the date the paper or fee is shown to have been deposited as Express Mail to be the Date In on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as Express Mail with the U.S. Postal Service on January 14, 2005.

In view of the above, the petition is granted. As this is a feeless petition, no petition fee has been or will be charged.

The application will be returned to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of **January 14, 2005.** OIPE will mail a filing receipt listing a filing date of January 14, 2005 for the above-identified application in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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8 PERRY LANE
ITHACA NY 14850-9267

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JUN 0 6 2005

OFFICE OF PETITIONS

In re Application of
Dobbs
Application No.: 11/035,458
Filed: January 15, 2005
Attorney Docket No. 498-006
For: METHOD OF INCREASING A REACTIVE RATE PER MASS OF A CATALYST

: DECISION GRANTING
: PETITION

This is a decision on the petition under 37 CFR 1.10(c), filed May 13, 2005, requesting that the above-identified application be accorded a filing date of January 14, 2005, instead of the presently accorded filing date, which is January 15, 2005.

Petitioner alleges that the application was deposited in Express Mail service with the U. S. Postal Service, on January 14, 2005. In support, petitioner provided a copy of the Express Mail label, receipt no. EV557407886US, showing a Date In of "1 14 05" and a postal date stamp of " JAN 14 2005" affixed thereto. The same Express Mail label number is referenced in the Utility Patent Application Transmittal filed with the application papers. Petitioner requests that the application be accorded a filing date of January 14, 2005.

The Office considers the date the paper or fee is shown to have been deposited as Express Mail to be the Date In on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as Express Mail with the U.S. Postal Service on January 14, 2005.

In view of the above, the petition is granted. As this is a feeless petition, no petition fee has been or will be charged.

The application will be returned to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of **January 14, 2005.** OIPE will mail a filing receipt listing a filing date of January 14, 2005 for the above-identified application in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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PASTEL LAW FIRM
CHRISTOPHER R. PASTEL
8 PERRY LANE
ITHACA NY 14850-9267

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JUN 0 6 2005

OFFICE OF PETITIONS

In re Application of
Dobbs
Application No.: 11/035,459
Filed: January 15, 2005
Attorney Docket No. 498-010
For: METHOD FOR PRODUCING FINE OXIDES OF AMETAL FROM A FEED MATERIAL USING MULTI-CARBIDE GRINDING MEDIA

: DECISION GRANTING
: PETITION

This is a decision on the petition under 37 CFR 1.10(c), filed May 13, 2005, requesting that the above-identified application be accorded a filing date of January 14, 2005, instead of the presently accorded filing date, which is January 15, 2005.

Petitioner alleges that the application was deposited in Express Mail service with the U. S. Postal Service, on January 14, 2005. In support, petitioner provided a copy of the Express Mail label, receipt no. EV557407926US, showing a Date In of "1 14 05" and a postal date stamp of " JAN 14 2005" affixed thereto. The same Express Mail label number is referenced in the Utility Patent Application Transmittal filed with the application papers. Petitioner requests that the application be accorded a filing date of January 14, 2005.

The Office considers the date the paper or fee is shown to have been deposited as Express Mail to be the Date In on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as Express Mail with the U.S. Postal Service on January 14, 2005.

In view of the above, the petition is granted. As this is a feeless petition, no petition fee has been or will be charged.

The application will be returned to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of **January 14, 2005.** OIPE will mail a filing receipt listing a filing date of January 14, 2005 for the above-identified application in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 0 6 2005

OFFICE OF PETITIONS

In re Application of :
Dobbs, et al. :
Application No.: 11/035,460 : DECISION GRANTING
Filed: January 15, 2005 : PETITION
Attorney Docket No. 498-011 :
For: METHOD FOR PRODUCING HIGHLY TRANSPARENT OXIDES OF TITANIUM USING MULTI-CARBIDE GRINDING MEDIA

This is a decision on the petition under 37 CFR 1.10(c), filed May 13, 2005, requesting that the above-identified application be accorded a filing date of January 14, 2005, instead of the presently accorded filing date, which is January 15, 2005.

Petitioners allege that the application was deposited in Express Mail service with the U. S. Postal Service, on January 14, 2005. In support, petitioners provided a copy of the Express Mail label, receipt no.EV557407930US, showing a Date In of "1 14 05" and a postal date stamp of " JAN 14 2005" affixed thereto. The same Express Mail label number is referenced in the Utility Patent Application Transmittal filed with the application papers. Petitioners request that the application be accorded a filing date of January 14, 2005.

The Office considers the date the paper or fee is shown to have been deposited as Express Mail to be the Date In on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as Express Mail with the U.S. Postal Service on January 14, 2005.

In view of the above, the petition is granted. As this is a feeless petition, no petition fee has been or will be charged.

The application will be returned to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of **January 14, 2005.** OIPE will mail a filing receipt listing a filing date of January 14, 2005 for the above-identified application in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7-30-08

TO SPE OF : ART UNIT 2125

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/035466 Patent No.: 11/035466 7353083

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.

Should C OFC be approved

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

E. Yang

Certificates of Correction Branch

703-308-9390 ext. 117

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**	All changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

PAUL RODRIGUEZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

SPE

2123
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Robert M. Bauer, Esq.
MacDonald, Illig Jones & Britton, LLP
Suite 700
100 State Street
Erie, PA 16507-1459

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AUG 13 2008

In re Application of	:	
Holger Glass	:	
Application No. 11/035,473	:	DECISION ON PETITION
Filed: January 14, 2005	:	TO WITHDRAW
Attorney Docket No. NOKIA.7020US	:	FROM RECORD
	:	

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. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Robert M. Bauer on behalf of all attorneys of record. All attorneys/agents of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to the first named inventor. A courtesy copy of this decision will be mailed to the address indicated on the request to withdraw. If this company desires to receive future correspondence regarding this application, the proper power of attorney documents must be submitted.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Holger Glass
Weinbergstr 48
73266 Bissingen/Teck
Germany

cc: Perman & Green, LLP
425 Post Road
Fairfield, CT 06430

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/035,473	01/14/2005	Holger Glass	NOKIA.7020US

CONFIRMATION NO. 1945

POWER OF ATTORNEY NOTICE

43829
ROBERT M BAUER, ESQ.
MacDonald Illig Jones & Britton LLP
Suite 700
100 State Street
Erie, PA 16507-1459

Date Mailed: 08/12/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/22/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

MAILED
FROM DIRECTOR'S OFFICE
AUG 29 2006
TECHNOLOGY CENTER 3600

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

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

In re application of Louis M. Trani et al. Application No. 11/035,475 Filed: January 14, 2005 For: SYSTEMS AND METHODS FOR LONG TERM HEALTH CARE WITH IMMEDIATE AND ONGOING HEALTH CARE MAINTENANCE BENEFITS	:	**DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION)**

This is in response to the petition filed on August 11, 2006 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

The petition fails to adequately meet requirements (C) above. Regarding item (C), although the results of the search are listed, the filed of search is not listed.

For the above stated reason, the petition is **DISMISSED**.

Petitioner is given one more opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

Applicant should promptly submit a renewed petition to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(703) 308-3868

SNM/dew: 08/24/06

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

MAILED
FROM DIRECTOR'S OFFICE

NOV 02 2006

TECHNOLOGY CENTER 3600

In re application of
Louis M. Trani et al.
Application No. 11/035,475
Filed: January 14, 2005
For: SYSTEMS AND METHODS FOR LONG TERM HEALTH CARE WITH IMMEDIATE AND ONGOING HEALTH CARE MAINTENANCE BENEFITS

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION)

This is in response to the renewed petition filed on October 12, 2006 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

Since all of the requirements for special status under MPEP § 708.02 VIII have now been met, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED.**

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
571-272-6619

RAR/dew: 10/27/06

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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DEC 14 2005

TECHNOLOGY CENTER 2100

Eunhee Park
Baker & McKenzie LLP
805 Third Avenue – 29th Floor
New York, NY 10022

In re Application of: Seshadri, et al.
Application No. 11/035,476
Filed: January 13, 2005
For: METHOD AND APPARATUS FOR TRUSTED BRANDED EMAIL

DECISION ON PETITION TO MAKE SPECIAL UNDER M.P.E.P. §708.02(II): INFRINGEMENT

This is a decision on the petition, filed November 23, 2005, under 37 C.F.R. 1.102(d) and M.P.E.P. §708.02(II): Infringement, to make the above-identified application special.

A grantable petition under 37 C.F.R. 1.102(d), and M.P.E.P. §708.02, Section II, ***must be*** accompanied by payment of the fee ($130.00) under 37 C.F.R. 1.17(h) ***and*** a statement under 37 C.F.R. 1.102 by the applicant or assignee or statements by an attorney/agent registered to practice before the Patent and Trademark Office that: ***(A)*** there is an infringing device or product actually on the market or method in use; ***(B)*** 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)*** 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. In addition, Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims. Models or specimens of the infringing product or that of the application should not be submitted unless requested.

Petitioner is reminded of the proper content of an Information Disclosure Statement (IDS), as set forth in M.P.E.P. 609 and 37 CFR §1.97 & §1.98, such IDS "shall include list of all patents, publications, applications, or other information submitted for consideration by the Office". Presently, a listing of those references cited within the instant petition, although discussed in the petition and a copy provided, have not been listed on an attached PTO form 1449 or PTO/SB/08 (or such listing has not reached the file). To ensure proper consideration by the Examiner, a listing of these references should be provided.

The petition filed November 23, 2005 includes all of the requirements set forth above. 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 and 37 C.F.R. 1.102.

Brian L. Johnson
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
(571) 272-3595

UNITED STATES PATENT AND TRADEMARK OFFICE

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DWIGHT N. HOLMBO
611 1ST STREET N
WATERVILLE, MN 56096

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AUG 0 2 2007

OFFICE OF PETITIONS

In re Application of :

DUNFEE, et al. :
Application No. 11/035,485 : DECISION ON PETITION
Filed: January 15, 2005 : TO WITHDRAW
Attorney Docket No. DUNF-0101 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 14, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Dwight N. Holmbo, the sole attorney of record. Dwight N. Holmbo has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Dwight N. Holmbo at the address indicated below.

There is an outstanding Office action mailed April 9, 2007 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: MATTHEW J. DUNFEE
11840 240TH STREET W
BELLE PLAINE, MN 56011

UNITED STATES PATENT AND TRADEMARK OFFICE

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WOLF GREENFIELD & SACKS, PC
FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON, MA 02210-2211

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SEP 15 2005

OFFICE OF PETITIONS

In re Application of :
Robert Dobbs :
Application No. 11/035,489 :
Filed: January 14, 2005 :
Attorney Docket No. P0806.70004US08 :

ON PETITION

This is a decision on the petition under 37 CFR 1.10(c), filed May 12, 2005, requesting that the above-identified application be accorded a filing date of January 14, 2005, rather than the presently accorded filing date of January 15, 2005.

Petitioners allege that the application was deposited in Express Mail service on January 14, 2005. In support, the petition is accompanied by a copy of Express Mail Label No. EV557407855US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of January 14, 2005.

In view of the above, the petition is **GRANTED**.

Accordingly, the application is entitled to a filing date of January 14, 2005.

The application is being returned to the Office of Initial Patent Examination for processing with a filing date of January 14, 2005 and issuance of a corrected filing receipt. Thereafter, the application will be forwarded to Technology Center 1700 for examination *in due course*.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

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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600 ATLANTIC AVENUE
BOSTON, MA 02210-2211

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SEP 15 2005

OFFICE OF PETITIONS

In re Application of :
Robert Dobbs, et al. :
Application No. 11/035,490 : ON PETITION
Filed: January 14, 2005 :
Attorney Docket No. P0806.70004US09 :

This is a decision on the petition under 37 CFR 1.10(c), filed May 12, 2005, requesting that the above-identified application be accorded a filing date of January 14, 2005, rather than the presently accorded filing date of January 15, 2005.

Petitioners allege that the application was deposited in Express Mail service on January 14, 2005. In support, the petition is accompanied by a copy of Express Mail Label No. EV557407841US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of January 14, 2005.

In view of the above, the petition is **GRANTED**.

Accordingly, the application is entitled to a filing date of January 14, 2005.

The application is being returned to the Office of Initial Patent Examination for processing with a filing date of January 14, 2005 and issuance of a corrected filing receipt. Thereafter, the application will be forwarded to Technology Center 3700 for examination *in due course*.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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VEDDER PRICE KAUFMAN & KAMMHOLZ
222 N. LASALLE STREET
CHICAGO IL 60601

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MAR 17 2008

OFFICE OF PETITIONS

In re Application of
DUBON, et al.
Application No. 11/035,515
Filed: January 14, 2005
Attorney Docket No. **34271.00.0016**

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 10, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Michael J. Turgeon on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed February 12, 2008 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **WILLIAM DUBON**
360-23 WEST SCHICK ROAD
BLOOMINGDALE, IL 60108

cc: **GREENBERG TRAURIG, LLP**
250 EAST WISCONSIN AVENUE, SUITE 1800
MILWAUKEE, WI 53202

OIPE
FEB 07 2005
PATENT & TRADEMARK OFFICE

Practitioner's Docket No. HES 2003-IP-010139U1D1 **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Rickey L. Morgan et al.

Application No.: 11/035,520 **Group No.:** unknown 1712
Filed: January 14, 2005 **Examiner:** unknown Tucker, P
For: Cement Compositions With Improved Fluid Loss Characteristics and Methods of ...

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL BECAUSE OF APPLICANT'S AGE (37 C.F.R. § 1.102(c) AND M.P.E.P. § 708.02 IV)

NOTE: See M.P.E.P. § 708.02, 7th ed.

Applicant hereby petitions to make this application special because applicant is over 65 years of age.

As a showing of this fact, accompanying this petition is:

(check one of the following)

☐ applicant's birth certificate.

☒ a declaration by the applicant that he/she is over 65 years of age.

No fee is required with this petition, in accordance with 37 C.F.R. § 1.102(c).

Craig W. Roddy
SIGNATURE OF PRACTITIONER

Reg. No.: 36,256

Craig W. Roddy
(type or print name of practitioner)

Tel. No.: (580) 251-3012

P.O. Box 1431
P.O. Address

Customer No.:

Duncan, OK 73536-0440

(Petition to Make Special Because of Applicant's Ag

PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700
MAY 2 9 2007

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Kilpatrick Stockton LLP,
1001 West Fourth Street
Winston-Salem, NC 27101

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SEP 2 4 2008

OFFICE OF PETITIONS

In re Application of :
Schlyper et al. :
Application No. 11/035,544 : DECISION ON PETITION
Filed: January 14, 2005 : TO WITHDRAW
Attorney Docket No. 49942-311095 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 2, 2005.

The request is **MOOT**.

A review of the file record indicates that the power of attorney to KILPATRICK STOCKTON LLP, has been revoked by the assignee of the patent application on January 17, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the correspondence address of record until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4914.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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NELSON MULLINS RILEY & SCARBOROUGH LLP
IP DEPARTMENT
100 NORTH TRYON STREET
42ND FLOOR
CHARLOTTE, NC 28202-4000

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OFFICE OF PETITIONS

In re Application of	:	
Schlyper et al.	:	DECISION ON PETITION
Application No. 11/035,544	:	TO WITHDRAW
Filed: January 14, 2005	:	FROM RECORD
Attorney Docket No. 26401/09013	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 9, 2009.

The request is **DISMISSED** as involving a moot issue.

A review of the file record indicates that the previous power of attorney was revoked by the assignee on August 28, 2009. 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 properly notified.

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

cc: JELD-WEN, INC. - STOEL RIVES LLP
900 SW FIFTH AVENUE
SUITE 2600
PORTLAND OR 97204-1268

UNITED STATES PATENT AND TRADEMARK OFFICE

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DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
250 PARK AVENUE
NEW YORK NY 10177

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AUG 31 2005

OFFICE OF PETITIONS

In re Application of Palenchar et al. Application No.11/035,546 Filed: January 14, 2005 Attorney Docket No. 035611/US/1-475396-0012	DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR § 1.47(a), filed August 1, 2005 (certificate of mailing date July 28, 2005).

The petition under 37 CFR. § 1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR. § 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 CFR. §1.136(a).

The above-identified application was filed on January 14, 2005, without an executed oath or declaration. Accordingly, on February 28, 2005, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring for the purposes of this decision an executed oath or declaration in compliance with § 1.63, and a surcharge for its late filing. This Notice set an extendable two-month period for reply of April 28, 2005.

In reply, applicant filed a petition, the surcharge for late filing of the declaration, and a partially executed declaration. To make the reply timely, a three (3) month extension of time was also submitted.

A grantable petition under 37 CFR. § 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition does not satisfy requirements (1), (2), and (4).

As to item (1), it is not clear in the documents presented whether Rule 47 applicant maintains inventor Rejali can not be reached or that Rejali refuses to sign the oath or declaration. If it is applicants' contention Rejali cannot be reached, applicant must demonstrate diligent efforts were made to find or reach non-signing inventor. See MPEP 409.03(d). The steps outlined in the declaration of facts do not meet the requirement for diligent effort. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. A brief internet search has yielded a Marc Rejali in New York, NY 10009 who may be the inventor involved with the above-identified application. If Marc Rejali in New York is the inventor for this application, rule 47 applicant is required to send a copy of application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor. See MPEP 409.03(d).

To the extent applicants desire to make the case that the non-signing inventor refuses to execute the oath or declaration, applicant will need to establish a copy of the **entire** application package (including specification, claims and drawings) was presented to the non-signing inventor and he refused to sign. If it can be established that the application papers were delivered to the last known address of inventor Rejali and there has been no response to the application papers, this may be construed as a refusal by the inventor to execute the application papers. In this instance, rule 47 applicant has mailed the application papers to a place where it is known inventor no longer works, the address of the assignee. If applicant is aware the non-signing inventor can not be reached at the address provided on the declaration, applicant should make a showing that diligent effort has been made to locate the inventor.

As to item (2) the declaration executed by Inventor Yari Dorsett contains non-initialed alterations to the declaration. A newly executed declaration without alterations must be submitted.

As to item (4), a last known address for inventor Rejali was provided in the petition. The address provided is a work address. The inventor's most recent home address must be given to enable the Office to communicate directly with the inventor as necessary. See MPEP 605.03.

It is also noted that rule 47 applicant has submitted a declaration executed by a representative of assignee. Under 37 CFR 1.47(b) it may be appropriate for a representative to execute a declaration on behalf of an assignee. Where at least one inventor executes a declaration, a petition under 37 CFR 1.47(a) is appropriate. Under 37 CFR 1.47(a), an oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated. The declaration signed by Abram Goldfinger is improper.

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

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DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
250 PARK AVENUE
NEW YORK NY 10177

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FEB 10 2006

OFFICE OF PETITIONS

In re Application of
Palenchar et al.
Application No.11/035,546
Filed: January 14, 2005
Attorney Docket Number: 035611/US/1-475396-0012
Title: System and Process of Determining a Biological Pathway Based on a Treatment of a Biological Specimen

DECISION

This is in response to the renewed petition under 37 CFR 1.47(a), filed October 31, 2005.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is not necessary and the petition is considered to be **Dismissed As Moot** . This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

This application will be 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

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UNITED STATES DEPARTMENT OF COMMERCE
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IBM CORPORATION, INTELLECTUAL PROPERTY LAW
DEPT 917, BLDG. 006-1
3605 HIGHWAY 52 NORTH
ROCHESTER, MN 55901-7829

Mail Date: 04/21/2010

Applicant	: Richard D. Dettinger	: DECISION ON REQUEST FOR
Patent Number	: 7624097	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/035,563	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1276** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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IBM CORPORATION, INTELLECTUAL PROPERTY LAW
DEPT 917, BLDG. 006-1
3605 HIGHWAY 52 NORTH
ROCHESTER, MN 55901-7829

Mail Date: 05/18/2010

Applicant : Richard D. Dettinger
Patent Number : 7624097
Issue Date : 11/24/2009
Application No: 11/035,563
Filed : 01/14/2005

: 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 **1344** 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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caj

Mailed: 9-4-07

In re Application of : DECISION ON
John Booth et al. : PETITION
Serial No. 11/035,571 :
Filed: January 14, 2005
For: NOZZLE ASSEMBLY FOR IMPRINTING PATTERNS ON AN EXTRUDED PRODUCT

This is a decision on the PETITION UNDER 37 CFR 1.144 TO WITHDRAW THE RESTRICTION REQUIREMENT mailed June 26, 2006 and made final in the office action mailed April 4, 2007.

On June 26, 2006, a two way restriction requirement was made by the examiner. The examiner took the position that the groupings of claims were related as process and apparatus for its practice. Applicants traversed the restriction requirement in a response filed September 26, 2006. The examiner repeated the restriction requirement in an office action mailed April 4, 2006 and made the restriction requirement final. Claims 14-16, 18, and 21-23 were withdrawn from consideration as being drawn to a non-elected invention.

On June 20, 2007, the instant petition under 37 CFR 1.144 was filed to formally request the withdrawal of the restriction requirement.

DECISION

Sections 806.05(e) of the MPEP states:

806.05(e) Process and Apparatus for Its Practice
Process and apparatus for its practice can be shown to be distinct inventions, if either or both of the following can be shown: (A) that the process as claimed can be practiced by another materially different apparatus or by hand; or (B) that the apparatus as claimed can be used to practice another materially different process.

In requiring restriction, the examiner states that the apparatus as claimed can be used in a materially different process, such as applying a cleaning agent to the exterior of a pipeline. The petitioner argues that the apparatus has not been considered as claimed and that the term "operable" has not been given proper effect. This argument has been considered but is not persuasive. As discussed by the examiner in making the restriction final, the apparatus as claimed is merely intended to be used with edible coating material or ink on a food product and

neither the edible ink or food product are required structure to the apparatus. The apparatus as claimed can be used in any environment using a liquid material for application onto a product moving along a path.

The petitioner further argues that the search strategy and references cited by the examiner further demonstrate that the restriction is improper. This argument has been considered but is not persuasive. The examiner's search strategy is not a relevant issue in determining whether the inventions as claimed are distinct. Petitioner has not shown that the alternate use provided by the examiner could not be accomplished and therefore, the two inventions are considered to be distinct. The fact that the examiner cited closer prior art than the alternate use provided is not evidence that the alternate use could not be accomplished.

Accordingly, the restriction requirement is proper and the petition to withdraw the restriction requirement is **DENIED**.

Jacqueline M. Stone

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

DICKINSON WRIGHT PLLC
38525 WOODWARD AVENUE
SUITE 2000
BLOOMFIELD HILLS MI 48304-2970

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HEDMAN & COSTIGAN P.C.
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

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AUG 15 2008

In re Application of	:	
Jean Avery	:	
Application No. 11/035585	:	DECISION ON
Filing or 371(c) Date: 01/14/2005	:	PETITION
Attorney Docket Number: 1179-013	:	

This is a decision in response to the "Petition to Revive Patent Application," filed July 14, 2008. The petition is properly treated as a Petition To Withdraw Holding of Abandonment Based on Evidence That a Reply Was Timely Mailed or Filed under 37 CFR 1.181 (no fee). See, MPEP 711.03(c).

This Petition is hereby **granted**.

Background

The above-identified application became abandoned for failure to timely and properly reply to the non-final office action, mailed December 13, 2007. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No response having been received, the application became abandoned on March 15, 2008. A Notice of Abandonment was mailed July 2, 2008.

The present petition

Applicant files the present petition and asserts that a timely reply to the Office action was filed on April 15, including a request for a two (2) month extension of time and fee. In support of this assertion, Applicant includes a copy of the reply, along with a copy of a return-receipt postcard acknowledging receipt by this Office of an Amendment and Petition for Extension of Time and Check in the amount of $230.00 (extension fee) on April 17, 2008. A review of the copy of the reply filed with the petition reveals that it includes a Certificate of Mailing under 37 CFR 1.8 that the reply was mailed to this Office on April 15, 2007. The Certificate of Mailing is executed by Petitioner herein.

Conclusion

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

The petition fee has been refunded to Petitioner's deposit account.

The application will be referred to Technology Center Art Unit 2831 for processing of the copy of the Response/amendment filed with the present petition.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

11/035597

Practitioner's Docket No. RD50/03 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: ROBERT B. RIGBY

Application No.: Group No.

Filed: Herewith 1-14-05 Examiner:

For: RED TIDE ORGANISM KILLER

Commissioner for Patents
Alexandria, VA 22313-1450

ATTENTION: Group Director, Group _____ (M.P.E.P. § 1002.02(c))

PETITION TO MAKE SPECIAL BECAUSE OF APPLICANT'S AGE
(37 C.F.R. § 1.102(c) AND M.P.E.P. § 708.02 IV)

NOTE: See M.P.E.P. § 708.02, 7th ed.

Applicant hereby petitions to make this application special because applicant is over 65 years of age.

As a showing of this fact, accompanying this petition is:

(check one of the following)

applicant's birth certificate
✓ a copy of applicant's driver's license evidencing that he is over 65 years of age.

No fee is required with this petition, in accordance with 37 C.F.R. § 1.102(c).

SIGNATURE OF PRACTITIONER

Reg. No.: 46,676

Tel. No. (727) 734-2855

Edward P. Dutkiewicz
640 Douglas Avenue
Dunedin, Florida 34698

PETITION GRANTED

Richard Crispino
Special Program Examiner
TC 1700

MAR - 9 2005

FILE COPY

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/035,597	01/14/2005	Robert B. Rigby	BD50/02

CONFIRMATION NO. 2070

49716
EDWARD P. DUTKIEWICZ, ESQ.
EDWARD P. DUTKEIWICZ, P.A.
640 DOUGLAS AVENUE
DUNEDIN, FL 34698-7001

OC000000016402133

Date Mailed: 06/28/2005

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 07/20/2006.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

SCANI Please forward case and paper to address shown below.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7/10/08

TO SPE OF : ART UNIT 1626 Lambkin, Deborah

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/035603 Patent No.: 7115659

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

HENRY RANDALL
Certificates of Correction Branch
703-308-9390 ext. _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ Approved	All changes apply.
☐ Approved In Part	Specify below which changes do not apply.
☐ Denied	State the reasons for denial below.

Comments: _____

Joseph K. McKane

JOSEPH K. McKANE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

SPE

1626
Art Unit

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Thompson E. Fehr
Suite 300
Goldenwest Corporate Center
5025 Adams Avenue
Ogden UT 84403

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JAN 25 2006

OFFICE OF PETITIONS

In re Application of	:	
Brett L. Siddoway	:	DECISION ON PETITION
Application No. 11/035,605	:	UNDER 37 CFR 1.137(b)
Filed: January 14, 2005	:	
Attorney Docket No. PSIDHP	:	

This is a decision on the petition under 37 CFR 1.137(b), filed December 28, 2005, to revive the above-identified application.

This application became abandoned for failure to reply timely to the Notice to File Missing Parts in a Nonprovisional Application mailed on February 22, 2005, which set a two-month extendable period to reply. Accordingly, this application became abandoned on April 23, 2005.

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 requisite fees, and made the proper statement of unintentional delay. Therefore, the petition is **granted.**

With the present petition, petitioner submitted a request for an extension of time for response within the fourth month and a $795.00 fee. 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, the request for an extension of time for response is inappropriate and the $795.00 fee will be refunded to petitioner by treasury check in due course.

This matter is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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Thompson E. Fehr
Suite 300
Goldenwest Corporate Center
5025 Adams Avenue
Ogden UT 84403

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APR 27 2009

OFFICE OF PETITIONS

In re Application of :
Siddoway :
Application No. 11/035,605 : ON PETITION
Filed: January 14, 2005 :
Attorney Docket No. PSIDHP :
For: HEAD AND HORN PROTECTOR

This is a decision on the petition under 37 CFR 1.137(b), filed March 30, 2009, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to timely reply to the Restriction Requirement, mailed June 23, 2008, which set a one month or thirty day (whichever period was longer) shortened statutory period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on July 24, 2008. A Notice of Abandonment was mailed on January 30, 2009.

Applicant has submitted a proper reply to the Restriction Requirement in the form of an election, an acceptable statement of the unintentional nature of the delay in responding to the Restriction Requirement, and the $810.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the file will be returned to Technology Center AU 3643 for consideration of the election filed on March 30, 2009.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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XILINX, INC
ATTN: LEGAL DEPARTMENT
2100 LOGIC DR
SAN JOSE, CA 95124

Mail Date: 04/21/2010

Applicant	: Peter Ryser	: DECISION ON REQUEST FOR
Patent Number	: 7620795	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/035,614	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **741** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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INTERNATIONAL BUSINESS MACHINES CORPORATION
Richard Lau
IPLAW DEPARTMENT / Bldg 008-2
2455 SOUTH ROAD - MS P386
POUGHKEEPSIE, NY 12601

Mail Date: 04/20/2010

Applicant	: Roger E. Bonsteel	: DECISION ON REQUEST FOR
Patent Number	: 7584459	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/035,616	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **692** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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IBM CORPORATION
PO BOX 12195
DEPT YXSA, BLDG 002
RESEARCH TRIANGLE PARK, NC 27709

Mail Date: 04/20/2010

Applicant	: Randall W. Alexander	: DECISION ON REQUEST FOR
Patent Number	: 7653681	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/035,644	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1218** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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THE WALT DISNEY COMPANY
C/O Greenberg Traurig LLP
2450 Colorado Avenue, Suite 400E
Santa Monica, CA 90404

In re Application of:
SCHNUCKLE *ET AL.*
Serial No.: 11/035,653
Filed: January 13, 2005
Docket: **54317-034601**
Title: **SYSTEM AND METHOD FOR GENERATING A FLICKERING FLAME EFFECT**

DECISION ON 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 May 13, 2005 to make the above-identified application special for accelerated examination procedure set forth in MPEP § 708.02(VIII) in accordance with 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

In support of the petition, petitioner provides: a) the applicable fee; b) 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) a statement that a search has been made; d) an information disclosure statement citing references deemed most 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; 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.

The requirements of MPEP § 708.02(VIII)(a), (b), (c) and (d) are considered to have been met. However, the petition fails to meet the requirements of MPEP § 708.02(VIII) (e) because a detailed discussion of the references pointing out with the particularity required by 37 CFR 1.111 (b) and (c) was not presented.

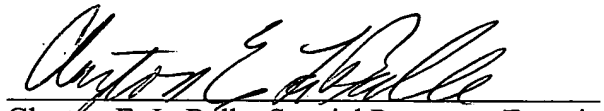
MPEP § 708.02(VIII) (e) requires a detailed discussion of each cited reference, pointing out with the particularity required by 37 CFR 1.111 (b) and (c) how the claimed subject matter is distinguishable over the references. A review of the detailed discussion reveals that although the Some of the details of the references are pointed out, and also the items lacking from the references are mentioned, the discussion does not "clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited," as required by 37 CFR 1.111 (b) and (c). The items noted as missing, specifically, the gimbal or ultraviolet means, do not appear in independent claim 1. Therefore, the petition fails to meet the requirements of MPEP § 708.02(VIII) (e).

While Technology Center Directors may have granted petitions that do not comply with the detailed discussion requirement of the Accelerated Examination procedure, Technology Center Director decisions on petitions are not binding precedent of the Patent Examining Corps, and the application of an improper standard in certain cases does not require the Office to continue to apply the improper standard in all cases. *See In re The Boulevard Entertainment, Inc.*, 334 F.3d 1336, 1343, 67 USPQ2d 1475, 1480 (Fed. Cir. 2003)).

For the above-mentioned reasons, the petition is dismissed. The application will therefore be taken up by the examiner for action in its regular turn.

Any request for reconsideration of this decision must be submitted within 2 (two) months of the date of this decision in order to be considered timely. Any request for reconsideration must include a detailed discussion with the particularity required by 37 CFR 1.111 (b) and (c) of the cited references.

Any inquiry regarding this decision should be directed to Clayton E. LaBalle, Special Programs Examiner, at (571) 272-1594.



Clayton E. LaBalle, Special Programs Examiner
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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Ruyong Wang
917 21st Street SE
St. Cloud, MN 56304

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AUG 0 1 2008

In re Application of	:	
Ruyong Wang et al.	:	
Application No. 11/035,659	:	DECISION ON PETITION
Filed: January 14, 2005	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 27, 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 reply in a timely manner to the non-final Office action mailed September 24, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 25, 2007. A Notice of Abandonment was mailed on May 1, 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 (3).

As to item (3) the statement of unintentional delay is presently not acceptable since it was not signed by all the inventors in this application. See 37 CFR 1.33(b) which states:

> (b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
> (3) An assignee as provided for under §3.71(b) of this chapter; or
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

Carl Friedman
Petitions Examiner
Office of Petitions

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SEP 29 2008

OFFICE OF PETITIONS

Ruyong Wang
917 21st Street SE
St. Cloud, MN 56304

In re Application of	:	
Ruyong Wang et al.	:	
Application No. 11/035,659	:	DECISION ON PETITION
Filed: January 14, 2005	:	
Attorney Docket No.	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 18, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 24, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 25, 2007. A Notice of Abandonment was mailed on May 1, 2008.

The petition decision mailed August 1, 2008 dismissed the petition filed May 27, 2008 for failure to provide signatures of all the inventors. The renewed petition includes signatures for the remaining inventors.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment after non-final, (2) the petition fee of $770, and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3662 for appropriate action by the Examiner in the normal course of business on the reply received May 27, 2008.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WESTMAN CHAMPLIN (MICROSOFT CORPORATION)
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS MN 55402-3319

COPY MAILED

JAN 29 2008

OFFICE OF PETITIONS

In re Application of :
Thomson, et al. :
Application No. 11/035,666 : ON PETITION
Filed: January 14, 2005 :
Attorney Docket No. M61.12-0765

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed on January 14, 2008.

The petition is **granted**.

This application was held abandoned on August 19, 2007, after no reply was received to the non-final Office action mailed May 18, 2007. The notice set forth a shortened statutory period for reply of three months from its mailing date. A Notice of Abandonment was mailed on January 8, 2008. The instant petition was filed on January 14, 2008. Petitioner maintains that the notice of May 18, 2007, was never received and provides a copy of the relevant docket records as proof of the same.

Section 711.03(c)(II) of the *Manual of Patent Examining Procedure* ("MPEP") provides that in order to establish non-receipt of an Office action so as prove that the imposition of a holding of abandonment is improper, petitioner must: 1) provide a statement to the Office indicating that the Office action was not received by petitioner; 2) include in the statement an attestation to the fact that a review of the file jacket and docket records maintained by petitioner indicates that the Office action was not received; and 3) provide a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file will be directed to Technology Center 2100, GAU 2178 for further processing, including remailing of the non-final Office action and resetting the period for reply.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304-1050

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JAN 18 2008

OFFICE OF PETITIONS

In re Application of :

Amy Arrow et al. :
Application No. 11/035,693 : DECISION ON PETITION
Filed: January 14, 2005 : TO WITHDRAW
Attorney Docket No. 31249-710.303 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 31, 2007.

The request is **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 Albert Hamliton 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: **Amy Arrow**
184 Birdhill Road
Bethel, MA 04217

cc: **Lowenstein Sandler, PC**
65 Livingston Avenue
Roseland, NJ 07068

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/035,693	01/14/2005	Amy Arrow	31249-710.303

CONFIRMATION NO. 5600

21971
WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

POWER OF ATTORNEY NOTICE

OC000000027788781

Date Mailed: 01/18/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/31/2007.

- 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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P.O. Box 1450
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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

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JAN 14 2010

In re Application of	:	
Amy Arrow, et al.	:	
Application No. 11/035,693	:	DECISION ON PETITION
Filed: January 14, 2005	:	
Attorney Docket No. 38950-502C03US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 12, 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 30, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed December 30, 2008. Accordingly, the date of abandonment of this application is December 31, 2008. The Notice of Abandonment was mailed April 29, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Data Management for processing into a patent.

Terri Johnson
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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SEP 21 2006

OFFICE OF PETITIONS

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, CA 94304-1018

In re Application of :

Brian C. Falkenhainer :
Application No. 11/035,697 : DECISION ON PETITION
Filed: January 13, 2005 : TO WITHDRAW
Attorney Docket No. 584522000100 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 6, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Norman R. Klivans on behalf of all attorneys of record who are associated with Customer No. 25226.

All attorneys/agents associated with the Customer No. 25226 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. The assignee has not intervened in accordance with 37 CFR 3.71 and a proper statement under 37 CFR 3.73(b) has not been filed. 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.

David Bucci
Petitions Examiner
Office of Petitions

cc: **Brian C. Falkenhainer**
617 Mia Court
Danville, CA 94526

cc: **Brian C. Falkenhainer**
Chief Executive Officer
Resonant Software, Inc.
11875 Dublin Blvd., Suite A202
Dublin, CA 94568

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
11/035,697	01/13/2005	Brian C. Falkenhainer	584522000100

CONFIRMATION NO. 5606

OC000000020458740

OC000000020458740

25226
MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

Date Mailed: 09/15/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/06/2006.

- 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.

T. Williams

TERRI S WILLIAMS
OP (571) 272-2991

FORMER ATTORNEY/AGENT COPY

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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JUN 0 3 2009

OFFICE OF PETITIONS

In re Application of
Brian C. Falkenhainer
Application No. 11/035,697
Filed: January 13, 2005
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 6, 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 Norman R. Klivans and all attorneys/agents of record has been revoked by the assignee of the patent application on February 27, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the 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: Brian C. Falkenhainer
617 Mia Court
Danville, CA 94526

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085

Mail Date: 04/21/2010

Applicant	: Kerry Veenstra	: DECISION ON REQUEST FOR
Patent Number	: 7584456	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/035,699	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1267** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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DEAN A. CRAINE, P.S.
STE 140
400-112TH AVENUE NE
BELLEVUE WA 98004

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AUG 10 2006

OFFICE OF PETITIONS

In re Application of :
Davis, et al. :
Application No. 11/035,704 : DECISION ON PETITION
Filed: January 14, 2005 : TO WITHDRAW
Attorney Docket No. FDER 101 : FROM RECORD
:

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 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 Dean A. Craine, P.S. the sole attorney of record.

Applicant is reminded that there is no attorney of record at this time.

In view of the present decision, Dean A. Craine, has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

It is noted that the change of address is not affected by this withdrawal. However, since all the attorneys of record have been withdrawn from the application and will no longer prosecute, it is necessitated that the address by changed to that of the first named inventor at the first copied address listed below.

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.

Denise Pothier
Petitions Examiner
Office of Petitions

cc: Frank Davis
6619 W. Silverado
Rathdrum, ID 83858

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JUN 15 2009

OFFICE OF PETITIONS

MARTIN D. MOYNIHAN D/B/A PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

In re Application of
Gil YIGAL
Application No. 11/035,727
Filed: January 18, 2005
Attorney Docket No. 27940

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), May 5, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Martin Moynihan the sole attorney of record.

Attorney Martin Moynihan has been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: GIL YIGAL
5/7 SHLOMZION STREET
GAN-YAVNE ISRAEL

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/035,727	01/18/2005	Gil Yigal	27940

CONFIRMATION NO. 1807

POWER OF ATTORNEY NOTICE

67801
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

Date Mailed: 06/15/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/05/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

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NOV 0 1 2006

OFFICE OF PETITIONS

In re Application of :
CULL, et al. :
Application No. 11/035,747 : DECISION ON PETITION
Filed: January 14, 2005 : TO WITHDRAW
Attorney Docket No. H0005151 (SBE 5403) : 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 August 28, 2006.

The request is **APPROVED**.

A review of the file record indicates that John M. Dahl: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, John M. Dahl has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

All future communications from the Office will be directed to the attorneys of record, appointed by customer number 00128 by combined declaration and power of attorney submitted on June 13, 2005. All future communications from the Office will be directed to 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 inquires concerning this decision should be directed to Patricia Volpe at 571-272-6825.

PAVolpe for

David Bucci
Petitions Examiner
Office of Petitions

cc: HONEYWELL INTERNATIONAL INC.
101 COLUMBIA ROAD
P.O. BOX 2245
MORRISTOWN, NJ 07962-2245

cc: INGRASSIA, FISHER & LORENZ
7150 E. CAMELBACK ROAD
SUITE 325
SCOTTSDALE, AZ 85251

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MICROSOFT CORPORATION
C/O MERCHANT & GOULD, L.L.C.
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

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JUN 2 3 2005

OFFICE OF PETITIONS

In re Application of
Chan, Hulen, Yang, and Booth
Application No. 11/035,754
Filed: January 14, 2005
Attorney Docket No. **1491.02US01**
For: METHOD AND SYSTEM FOR SYNCHRONIZING MULTIPLE USER REVISIONS TO A BALANCED SCORECARD

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a) May 31, 2005 (certificate of mailing dated May 26, 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 January 14, 2005, and was not accompanied by an executed oath or declaration. On February 28, 2005, the Office of Initial Patent Examination mailed a "Notice to File Missing Parts of Non-provisional Application" requiring a properly executed declaration and payment of a surcharge, and payment of the filing fee. The notice allowed an extendable period for reply of two months from its mailing date. On May 31, 2005, the instant petition was filed accompanied by a request for an extension of time within the first month.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee,

(4) a statement of the last known address of the non-signing inventor,

The instant petition lacks item (2) above.

As to item (2), a declaration signed by the joint inventors on behalf of themselves and the non-signing inventor was not found with petition papers, notwithstanding petitioner's assertion to the contrary. The renewed petition must be accompanied by a declaration executed by the joint inventors on behalf of themselves and the non-signing inventor.

Petitioner is advised that the fee for the instant petition is $200.00, not $130.00 as was remitted. See 37 CFR 1.47. Accordingly, deposit account 13-2725 will be charged an additional $70.00 for the petition fee.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents,
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (703) 872-9306
Attn: Office of Petitions

Telephone inquiries should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MICROSOFT CORPORATION
C/O MERCHANT & GOULD, L.L.C.
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

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SEP 0 6 2005

OFFICE OF PETITIONS

In re Application of
Chan, Hulen, Yang, and Booth
Application No.: 11/035,754
Filed: January 14, 2005
Attorney Docket No: 1491.02US01
For: METHOD AND SYSTEM FOR SYNCHHRONIZING MULTIPLE USER REVISIONS TO A BALANCED SCORECARD

: DECISION ACCORDING
: RULE 47(a) STATUS

This is in response to the renewed petition under 37 CFR 1.47(a), filed August 25, 2005 (certificate of mailing dated August 23, 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-cited application was filed on January 14, 2005, without a properly executed declaration. On February 28, 2005, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application requiring a declaration signed by all named inventors, a surcharge of for the late filing of the declaration, and payment of the filing fee. On May 31, 2005, a petition under 37 CFR 1.47(a) was filed along with a request for an extension of time within the first month. The petition was dismissed by a decision mailed June 23, 3005.

Petitioner has shown that inventor Booth is either unavailable to join the prosecution of the application or is constructively refusing to do so. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 0 6 2005

OFFICE OF PETITIONS

Noah H. Booth
727 Bellevue Avenue, East
#306
Seattle, WA 98102

In re Application of :
Chan, Hulen, Yang, and Booth :
Application No.: 11/035,754 : LETTER
Filed: January 14, 2005 :
Attorney Docket No: 1491.02US01 :
For: METHOD AND SYSTEM FOR SYNCHHRONIZING MULTIPLE USER REVISIONS TO A BALANCED SCORECARD

Dear Mr. Booth:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Kenya A. McLaughlin at (571) 272-3222. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

MICROSOFT CORPORATION
C/O MERCHANT & GOULD, L.L.C.
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

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

COPY MAILED

DEC 0 6 2006

OFFICE OF PETITIONS

Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

In re Application of :
Bing-Yan Zhu et al. :
Application No. 11/035,767 : DECISION ON PETITION
Filed: January 14, 2005 : TO WITHDRAW
Attorney Docket No. 021390-004011US : FROM RECORD

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, 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 Number 20350 has been revoked by the assignee of the patent application on May 16, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Foley & Lardner LLP**
1530 Page Mill Road
Palo Alto, CA 94304

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/035,767	01/14/2005	Bing-Yan Zhu	021390-004011US

CONFIRMATION NO. 6056

38706
FOLEY & LARDNER LLP
1530 PAGE MILL ROAD
PALO ALTO, CA 94304

OC000000021485648
OC000000021485648

Date Mailed: 12/05/2006

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/16/2006.

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.

Terri S. Williams

TERRI S WILLIAMS
OP (571) 272-2991

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
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/035,767	01/14/2005	Bing-Yan Zhu	021390-004011US

CONFIRMATION NO. 6056

OC000000021485647

OC000000021485647

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Date Mailed: 12/05/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/16/2006.

- 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).

Terri S. Williams

TERRI S WILLIAMS
OP (571) 272-2991

NEW ATTORNEY/AGENT 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
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/035,767	01/14/2005	Bing-Yan Zhu	021390-004011US

CONFIRMATION NO. 6056

OC000000021485647

OC000000021485647

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Date Mailed: 12/05/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/16/2006.

- 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).

Terri S. Williams

TERRI S WILLIAMS
OP (571) 272-2991

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Foley & Lardner LLP
975 Page Mill Road
Palo Alto, CA 94304

MAILED

AUG 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Bing-Yan Zhu, et al.	:	
Application No. 11/035,767	:	DECISION ON PETITION
Filed: January 14, 2005	:	TO WITHDRAW
Attorney Docket No. 070545-1107	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 14, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Antoinette F. Konski 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 Bing-Yan Zhu at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Bing-Yan Zhu**
135 Lois Lane
Palo Alto, CA 94303

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
11/035,767	01/14/2005	Bing-Yan Zhu	070545-1107

CONFIRMATION NO. 6056

38706
FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO, CA 94304

POWER OF ATTORNEY NOTICE

OC000000037371668

Date Mailed: 08/14/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/14/2009.

- 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.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

COPY MAILED

AUG 15 2006

OFFICE OF PETITIONS

In re Application of :
Robert Francis Squibbs et al. :
Application No. 11/035,802 : ON PETITION
Filed: January 14, 2005 :
Attorney Docket No. **B-5637 622415-7** :

This is a decision on the petition filed June 12, 2006 to withdraw the holding of abandonment for the above-identified application. The petition is treated under 37 CFR 1.181.

The petition to withdraw the holding of abandonment is **GRANTED**.

The application was held abandoned on January 3, 2006 for failure to file a timely response to the non-Final Office Action mailed September 30, 2005, 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 May 16, 2006.

Petitioner asserts that a proper response, was filed on December 9, 2005. In support, petitioner submits a copy of the reply said to have been filed, but not acknowledged, with the U.S. Patent and Trademark Office, which includes a certificate of mail, dated December 9, 2005, 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 2876 for appropriate action on the amendment filed December 9, 2005, a copy of which was submitted upon petition on June 12,2006.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE

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JUL 2 0 2006

Director's Office
Office of Patent Publication

DUNLAP, CODDING & ROGERS P.C.
PO BOX 16370
OKLAHOMA, CITY OK

In re Application of
HAMILTON, THOMAS J. :
Application No. 11/035,805 : **DECISION ON PETITION**
Filed: January 10, 2005 :
Attorney Docket No. 35060.150 :

This is a decision on the Petition To Withdraw Holding Of Abandonment under 37 CFR 1.181, received in the United States Patent and Trademark Office (USPTO) via facsimile transmission on July 19, 2006.

The petition is **DISMISSED**. Any request for reconsideration of this decision, or as explained below, filing a petition seeking revival under 37 CFR § 1.137, must be filed within TWO MONTHS (2) from the mail date of this decision.

The application was held abandoned for failure to timely pay the issue fee and publication fee within the three (3) month statutory period to reply, as required in the Notice Of Allowance and Fee(s) Due mailed December 16, 2005.

The Office acknowledges receipt of Part B – Fee(s) Transmittal and the Credit Card Payment, form PTO-2038 on February 8, 2006. Unfortunately, when the Office attempted to charge the required fees on February 10, 2006, the credit card company declined the credit card transaction.

The holding of abandonment will not be withdrawn as this time.

However, the petitioner should consider petitioning to the Director as follows:

File a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). The new rule change appears in 62 Federal Regulations, October 10, 1997 or 1203 of the Official Gazette 63, October 21, 1997, 65 FR 57057, Sept. 20, 2000.

- Under 37 CFR 1.137(a), a petition for the revival of an ***unavoidable*** abandoned application
- Under 37 CFR 1.137(b), a petition for the revival of an ***unintentionally*** abandoned application

Further correspondence with respect to filing the petition under 37 CFR 1.137 should be directed to the Office of Petitions at 703-305-9282 or addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
Office of Petitions
P O Box 1450
Alexandria, VA 22313-1450

Telephone inquires concerning this decision may be directed to the undersigned at 703-308-9250.

Thomas E. Hawkins
Paralegal Specialist
Office of the Director
Office of Patent Publications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DUNLAP, CODDING & ROGERS P.C.
PO BOX 16370
OKLAHOMA CITY OK 73113

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OFFICE OF PETITIONS

In re Application of
Thomas J. Hamilton
Application No. 11/035,805
Filed: 01-10-2005
Attorney Docket No. 35060.150

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 11, 2006, to revive the above-identified application.

This application became abandoned for failure to pay the issue and publication fees as required by the Notice of Allowance and Fee(s) Due mailed on December 16, 2005, which set a three (3) month statutory period for reply. Accordingly, the application became abandoned on March 17, 2006. A Notice of Abandonment was mailed on June 26, 2006.

Petitioner has met the requirements under 37 CFR 1.137(b). Accordingly, the petition is **granted.**

This matter is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries concerning the issuance of the application into a patent should be directed to the Office of Patent Publication, Customer Service at (571) 272-4200.

Telephone inquiries specifically concerning this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10-10-08 Paper No.: _____

TO SPE OF : ART UNIT 2616 2416

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/035807 Patent No.: 7103437

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Should appendices be added to the spec? E. James
Certificates of Correction Branch
703-308-9390 ext. _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

SPE 2419
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

WYETH LLC
PATENT LAW GROUP
5 GIRALDA FARMS
MADISON, NJ 07940

Mail Date: 04/21/2010

Applicant	: Robert Bruce Albright	: DECISION ON REQUEST FOR
Patent Number	: 7666444	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/035,815	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/14/2005	: 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.

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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SQUIRE, SANDERS & DEMPSEY
1 MARITIME PLAZA
SUITE 300
SAN FRANCISCO CA 94111

COPY MAILED

JUN 13 2006

OFFICE OF PETITIONS

In re Application of :
Stephen D. Pacetti et al :
Application No. 11/035,816 : ON PETITION
Filed: January 14, 2005 :
Attorney Docket No. 50623.470 :

This is a decision on the petition, filed June 9, 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 28, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 1711 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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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ELEY LAW FIRM CO.
7870 OLENTANGY RIVER RD
SUITE 311
COLUMBUS OH 43235

COPY MAILED
JUN 22 2006
OFFICE OF PETITIONS

In re Application of :
Cook et al. :
Application No. 11/035,831 : DECISION ON PETITION
Filed: January 14, 2005 :
Attorney Docket No. E58541.035 :

This is in response to the "Petition For Suspension of Rules Under 37 CFR § 1.183," filed May 15, 2006.

In the present petition, petitioners requested that the Office suspend the requirement under 37 CFR 1.312 that an amendment must be filed prior to or with payment of the issue fee to allow the correction of the spelling of an inventor's name after payment of the issue fee. Petitioners asserted that the inventor's name was properly spelled in the declaration to the Office but was inadvertently misspelled in the Office records pertaining to the subject application. Petitioners requested that the Office records, including the patent when issued, reflect the correct spelling of the first named inventor's name to "Alexander Cook." Additionally, petitioner submitted a petition fee of $400.00 and a request for a refund of this fee due to USPTO error.

The Office notes: "When a typographical or transliteration error in the spelling of an inventor's name is discovered during pendency of an application, a petition is not required, nor is a new oath or declaration under 37 CFR 1.63 needed." MPEP 605.04(b). Therefore, the requested is **granted** without the need for filing a petition.

Unfortunately, the petition did not reach an appropriate deciding official for a decision on the merits prior to the application issuing as a patent on June 6, 2006. Therefore, petitioners must file a completed certificate of correction with the Certificate of Correction Branch, indicating the correct spelling of the first name inventor's name. **The Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioners of a request for a certificate of correction, which sets forth the correction of the first named inventor's name to "Alexander Cook."** Petitioners are not required to submit a fee with the request for a certificate of

correction because the correction was necessitated by USPTO error. The Office notes that no certificate of correction will be issued that sets forth any other changes than the correction of the first named inventor's name. A copy of this decision **must** accompany the request for a Certificate of Correction.

The $400.00 petition fee will be refunded by treasury check in due course.

This matter is being referred to the Certificate of Correction Branch to await the submission of a completed certificate of correction.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3211. Any questions issuance of the certificate of correction should be directed to the Certificate of Correction Branch.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Sony Corporation of America
16530 VIA ESPRILLO, MZ 7190
SAN DIEGO, CA 92127

Mail Date: 04/21/2010

Applicant	: Ryuichi Iwamura	: DECISION ON REQUEST FOR
Patent Number	: 7672465	: RECALCULATION of PATENT
Issue Date	: 03/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/035,844	: OF WYETH
Filed	: 01/14/2005	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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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
11/035,854	01/14/2005	2632	1000	7042-24	3	20	3

CONFIRMATION NO. 4278

CORRECTED FILING RECEIPT

OC000000015477687

30448
AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH, FL 33402-3188

Date Mailed: 03/16/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Jason Gilbert, Loxahatchee, FL;
David L. Brown, Jupiter, FL;

Assignment For Published Patent Application

XM Satellite Radio, Inc., Washington, DC

Power of Attorney:

J Steele Jr–25931
Gregory Nelson–30577
Pablo Meles–33739
Joseph Bain–34290
Mark Passler–40764
Eduardo Guntin–41049
Neil Jetter–46803
Brian Buchheit–52667

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 03/01/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/035,854

Projected Publication Date: 07/20/2006

Non-Publication Request: No

Early Publication Request: No

Title

Automatic on/off switch for vehicle power outlets

Preliminary Class

340

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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www.uspto.gov

Joseph Bach
Transpacific Law Group
617 North Delaware Street
San Mateo, CA 94401

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MAY 0 8 2007

OFFICE OF PETITIONS

In re Application of	:	
Maw-Kuen Wu et al.	:	
Application No. 11/035,855	:	DECISION ON PETITION
Filed: January 13, 2005	:	TO WITHDRAW
Attorney Docket No. NO153/PP/HH	:	FROM RECORD
	:	

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 22, 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.

A courtesy copy will be mailed to the applicant.

If the attorneys noted on the request to withdraw desire to receive future correspondence regarding this application, the proper power of attorney documents must be submitted.

There is no pending office action in this application.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272- 4618.

Frances Hicks
Petitions Examiner
Office of Petitions

cc: Maw-Kuen Wu
No 128, Sec. 2
Academia Road
Nankang, Taipei, TAIWAN 115

cc: Venable, LLP
575 7th Street NW
Washington, DC 20004-1601

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Paper No.

MICHAEL A. SHIPPEY, PH. D.
LAW OFFICES OF KARLA SHIPPEY
4848 LAKEVIEW AVENUE, SUITE E
YORBA LINDA CA 92886

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JAN 0 2 2008

OFFICE OF PETITIONS

In re Application of :
Kyu-Woong Lee : DECISION ON PETITION
Application No. 11/035,856 :
Filed: January 14, 2005 :
Attorney Docket No. 919.100 :

This is a decision on the PETITION to the COMMISSIONER UNDER 37 C.F.R. 1.181 filed August 31, 2007.

The above-identified application became abandoned for failure to file a timely and proper reply to the final Office action mailed January 22, 2007. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). An amendment, made timely by an extension of time for response within the first month, was filed on May 21, 2007, but was deemed by the examiner not to place the application in condition for allowance (Advisory Action mailed June 18, 2007). No further reply timely filed and no further extension of time obtained, the application became abandoned effective May 23, 2007. A courtesy Notice of Abandonment was mailed on August 31, 2007.

On August 31, 2007, applicant filed the instant petition, to revive the patent application on grounds of clerical error. No fee for consideration of a petition to revive pursuant to 37 CFR 1.137 accompanied this petition. Accordingly, no such consideration will be undertaken.

Moreover, no explanation of the circumstances of the alleged clerical error was set forth. It is unclear whether the applicant is alleging error on the part of the Office or on the

part of one of his or her own clerks. Without adequate explanation, it cannot be concluded that the circumstances of the abandonment warrant withdrawal of the holding of abandonment.

Moreover, the record of the application does not support a conclusion that withdrawal of the holding of abandonment is warranted. On petition, applicant resubmits the amendment filed May 21, 2007. However, there is no dispute that the amendment was considered. It was just determined that the amendment did not place the application in condition for allowance. As there was no further amendment and no further extension of time, the application properly became abandoned effective at the end of the one month extended period, on May 23, 2007.

In view thereof, the petition under 1.181 is **DISMISSED**.

No fee is required and none has been charged for consideration of this petition.

Any request for reconsideration must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are not permitted. See 1.181(f).

Alternatively, applicant may seek revival under the provisions of 37 CFR 1.137. Such a request should include a cover letter entitled "Petition under 37 C.F.R. § 1.137(a)" or "Petition under 37 C.F.R. § 1.137(b)," as appropriate. The filing of a petition to revive will be dismissed if it is found that its filing was intentionally delayed.

Further correspondence with respect to this decision should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By fax: (571) 273-8300
ATTN: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10-24-08

TO SPE OF : ART UNIT 2617

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/035895 Patent No.: 7394776

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. 183

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: _____

Lester Kincaid Digitally signed by Lester Kincaid DN: cn=Lester Kincaid, c=US, o=Patents, ou=2617, email=lester.kincaid@uspto.gov Reason: I am approving this document Date: 2009.11.23 07:51:35 -05'00'

SPE

2617

Art Unit

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Martin J. Moran
1000 Cherrington Parkway
Moon Township PA 15108

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JUL 20 2009

OFFICE OF PETITIONS

In re Application of :
Pereira et al. :
Application No. 11/035,898 : DECISION ON PETITION
Filed: January 14, 2005 :
Attorney Docket No. 04-mEDP-177 :

This is a decision on the petition, filed May 13, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action mailed September 16, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on April 1, 2009.

Petitioner asserts that the Office action dated September 16, 2008 was not received.

A review of the written record indicates an irregularity in the mailing of the Office action of September 16, 2008. In this regard, the Office received a change of address on September 12, 2008, prior to the mailing of the Office action of September 16, 2008. Office records were not updated to reflect this new change of address. Accordingly, as the Office action was mailed to an incorrect address, the Notice of Abandonment mailed April 1, 2009 is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 2434 for remailing the Office action of September 16, 2008 and resetting the period for reply.

Christopher Bottorff
Petitions Examiner
Office of Petitions

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HAMILTON & TERRILE, LLP
P.O. BOX 203518
AUSTIN, TX 78720

Mail Date: 04/20/2010

Applicant	: Curtis Sammer	: DECISION ON REQUEST FOR
Patent Number	: 7577828	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/035,910	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1253** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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INTERNATIONAL BUSINESS MACHINES CORP
IP LAW
555 BAILEY AVENUE , J46/G4
SAN JOSE, CA 95141

Mail Date: 04/20/2010

Applicant	: Yongli An	: DECISION ON REQUEST FOR
Patent Number	: 7624208	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/035,917	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1344** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER
1211 SW FIFTH AVENUE
SUITE 1900
PORTLAND, OR 97204

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OCT 0 1 2007

OFFICE OF PETITIONS

In re Application of :
Jeffrey R. BEARD, et al. :
Application No. 11/035,929 : DECISION ON PETITION
Filed: 11/035,929 : TO WITHDRAW
Attorney Docket No. 112453-140751 : FROM RECORD
:

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 12, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approved the request at this time since the reason provided does 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, "if paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such requests or such withdrawal is" for one of the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, "representation of client terminated" does not meet any of the conditions set forth in 37 CFR 10.40.

There is an outstanding Office action mailed February 1, 2007 that requires a reply by 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 undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: TAPEMORR, LLC
1611 BEL AIRE AVENUE
ABERDEEN, WA 98520

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United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/035,937	01/13/2005	3643	565	81421-4044	9	11	1

CONFIRMATION NO. 4287

UPDATED FILING RECEIPT

OC000000015593196

28765
WINSTON & STRAWN
PATENT DEPARTMENT
1400 L STREET, N.W.
WASHINGTON, DC 20005-3502

Date Mailed: 03/29/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Birgit Hjorth, Nexo, DENMARK;

Power of Attorney:

Allan Fanucci--30256
Daniel Hulseberg--36554

Domestic Priority data as claimed by applicant

This application is a CON of PCT/DK03/00476 07/08/2003

Foreign Applications

DENMARK PA 2002 01110 07/16/2002

If Required, Foreign Filing License Granted: 03/01/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/035,937

Projected Publication Date: 07/07/2005

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Vase

Preliminary Class

047

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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AUG 30 2005

MERONI & MERONI
P.O. BOX 309
BARRINGTON, IL 60011

In re application of : **DECISION ON PETITION**
William D. Dennis : **TO MAKE SPECIAL**
Application No. 11/035,941 : **(APPLICANT'S AGE)**
Filed: January 13, 2005 :
For: APPARATUS AND SYSTEM FOR
PREVENTING ICE DAM FORMATION

This is a decision on the petition submitted on January 13, 2005 under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section IV: Applicant's Age.

The petition is **GRANTED**.

An application may be accorded special status upon the filing of a petition providing evidence showing that the applicant is at least 65 years old. Such a showing may be provided by evidence such as a birth certificate or a statement from the applicant.

The evidence submitted with the petition is a declaration signed by William D. Dennis indicating that he is at least 65 years of age.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
(571) 272-6619

RAR/dcg: 8/22/05

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Vista IP Law Group LLP
2040 MAIN STREET, Suite 710
IRVINE, CA 92614

Mail Date: 04/21/2010

Applicant	: Huy D. Phan	: DECISION ON REQUEST FOR
Patent Number	: 7585310	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/035,944	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **354** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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SHLESINGER, ARKWRIGHT & GARVEY LLP
1420 KING STREET
SUITE 600
ALEXANDRIA, VA 22314

MAILED

MAR 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Mami Kitaya	:	
Application No. 11/035,951	:	ON PETITION
Filed: January 18, 2005	:	
Attorney Docket No. 7418	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 9, 2009, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 6, 2007, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 7, 2007.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1792 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

SPE Patel

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 6/22/07

TO SPE OF : ART UNIT 2121

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/036,001 Patent No.: 7120617

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Lamonte M. Newsome
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒	**Approved**	All changes apply.
☐	**Approved in Part**	Specify below which changes **do not** apply.
☐	**Denied**	State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

SPE

2121
Art Unit

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H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA, VA 22182

Mail Date: 04/20/2010

Applicant	: Sok-San Kim	: DECISION ON REQUEST FOR
Patent Number	: 7629748	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/036,046	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1250** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

OCT - 3 2007

In re Application of	:	
William E. Olliges	:	DECISION ON
Serial Number: 11/036,049	:	PETITION UNDER
Filed: January 13, 2005	:	M.P.E.P. 708.02(IV)
For: HIGH TEMPERATURE LUBRICANT COMPOAITION	:	

This is in response to the petition filed September 18, 2007, requesting that the above-identified application be granted Special Status under Section 708.02 (IV) of the MPEP and 37 CFR 1.102(c)

The petition has been considered and found to comply with the requirements set forth under the above-noted section. Accordingly, the petition is granted.

The petition is **GRANTED**.

William Krynski, Quality Assurance Specialist
Technology Center 1700
Chemical and Materials Engineering

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Thomas R. FitzGerald, Esq.
Jaeckle Fleischmann & Mugel, LLP
39 State Street
Rochester, NY 14614-1310

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MAR 17 2005

OFFICE OF PETITIONS

In re Application of
Fortin, Petronis, Berrill, Barota, Allen, and Moon
Application No. 11/036,057
Filed: January 18, 2005
Attorney Docket No. M1183.0004/P004-A
For: HIGH-PERFORMANCE LOCATION MANAGEMENT PLATFORM

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a) January 18, 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 January 18, 2005, and was accompanied by the instant petition along with declarations executed by all joint inventors, except inventor Fortin.

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 inventor, 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 inventor, it is not clear from the instant petition whether petitioner sent the non-signing inventor the entire application for his 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 drawings, were sent to the non-signing inventor.

Deposit account 04-1073 will be charged $200.00 for the instant petition fee.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents,
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (703) 872-9306
Attn: Office of Petitions

Telephone inquiries should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
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

THOMPSON & KNIGHT LLP
SUITE 1700
1700 PACIFIC AVENUE
DALLAS TX 75201-4693

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MAR 2 7 2006

OFFICE OF PETITIONS

In re Application of :
Murari Kejariwal et al. :
Application No. 11/036,082 : DECISION GRANTING PETITION
Filed: January 14, 2005 :
Attorney Docket No: 1530-DA :

This is a decision on the petition, filed March 1, 2006, under 37 CFR 1.137(f) which is treated as a petition to revive the above-identified nonprovisional application under the unintentional provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

Petitioner states that the present nonprovisional application is the subject of a foreign or international application filed on December 14, 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. The projected publication date is July 20, 2006 and a copy of the communication regarding rescission is included herein.

The petition fee in the amount of $1500.00 has been applied to the finance records for this application.

This matter is being referred to Technology Center 2817 for further 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

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.
11/036,082	01/14/2005	Murari Kejariwal	1530-DA

CONFIRMATION NO. 3611

THOMPSON & KNIGHT LLP
Suite 1700
1700 Pacific Avenue
Dallas, TX 75201-4693

Date Mailed: 03/24/2006

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 07/20/2006.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 7/13/09 Paper No.: —

TO SPE OF : ART UNIT 3693

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/036,113 Patent No.: 7487125 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D62-B
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
703-756-1591

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☑ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

Charles R. [illegible]
SPE

3695
Art Unit

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JUL 17 2007

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

In re Application of
KATSUMI OBANA ET AL
Application No. 11/036124
Filed: JANUARY 18, 2005
Attorney Docket No. 00862.102636.

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 December 6, 2006, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone 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

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

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

In re Patent No. 7,515,511	:	DECISION ON REQUEST FOR
Guo, et al.	:	RECONSIDERATION OF
Issue Date: April 7, 2009	:	PATENT TERM ADJUSTMENT
Application No. 11/036,125	:	
Filed: January 18, 2005	:	
Attorney Docket No. 32052-8703.US1	:	

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(D) filed June 8, 2009. Patentees request that the determination of patent term adjustment for the above-identified patent be corrected from five hundred eighty-three (583) days to one thousand twenty-eight (1,028) days.

The request for reconsideration of patent term adjustment is **DISMISSED** with respect to making any change in the patent term adjustment determination under 35 U.S.C. § 154(b) of 583 days.

On April 7, 2009, the above-identified application matured into U.S. Patent No. 7,515,511 with a revised patent term adjustment of 583 days.

On June 8, 2009, patentees timely submitted this request for reconsideration of patent term adjustment within two months of the issue date of the patent. See 37 CFR 1.705(d).

Patentees request recalculation of the patent term adjustment. Patentees aver that the correct number of days of Patent Term Adjustment is 1,028 days. In summary, patentees maintain that the total non-overlapping PTO delay under 35 U.S.C. 154(b)(1)(A) and (B) is 1088. Further, patentees acknowledge that the period of applicant delay is 60 days. Thus, patentees assert entitlement to 1,028 (1,088 - 60) days of patent term adjustment.

As to patentees' interpretation of the period of overlap, the Office finds that it is inconsistent with the Office's interpretation of the overlap provision, 35 U.S.C. 154(b)(2)(A). 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.

As explained in *Explanation of 37 CFR 1.703(f)*[1] *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] 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.

§ 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).

Further, 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 CFR 1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed.

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 period during which the application was pending before the Office beginning on the application filing date under 35 U.S.C. 111(a) on January 18, 2005, and ending on the date the patent issued, April 7, 2009, (not including any other periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)).

Pursuant to 35 U.S.C. 154(b)(1)(A) and 37 CFR 1.702(a)(1)[2], 643 days[3] of patent term adjustment were accorded during the pendency of the application for Office delay prior to the issuance of patent. Pursuant to 35 U.S.C. 154(b)(1)(B) and 37 CFR 1.702(b)[4], 445 days of patent term adjustment accrued for Office issuance of the patent more than 3 years after the filing date of the application.

All of the 445 days of patent term adjustment under 37 CFR 1.702(b) overlap with the 643 days of patent term adjustment under 37 CFR 1.702(a)(1). Entry of both the 643 days and the 445 days is neither permitted nor warranted.

In view thereof, the Office properly entered no additional days of patent term adjustment.

The Office acknowledges the submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

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[2] 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;

[3] A non-final Office action was mailed on December 21, 2007, 14 months and 643 days after the application was filed on January 18, 2005.

[4] Pursuant to 35 U.S.C. 154(b)(1)(B), 37 CFR 1.702(b) provides, in pertinent part, that:

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.

Telephone inquiries specific to this matter 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Kuo-Yu Chou
Application No. 11/036,139
Filed: January 18, 2005
Attorney Docket No. IPTEC-0123

This is a decision on the petition under 37 CFR 1.137(b), filed September 18, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of 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 of May 3, 2006, is accepted as having been unintentionally delayed.

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to the the Office of Data Management to be processed into a patent.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

OIPE
FEB 07 2005
PATENT & TRADEMARK OFFICE

Practitioner's Docket No. HES 2003-IP-010139U1D2 ***PATENT***

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Rickey L. Morgan et al.

Application No.: 11 / 036,145 **Group No.:** unknown 1712
Filed: January 14, 2005 **Examiner:** unknown Tucker, P
For: Cement Compositions With Improved Fluid Loss Characteristics and Methods of ...

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Commissioner for Patents
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Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL BECAUSE OF APPLICANT'S AGE (37 C.F.R. § 1.102(c) AND M.P.E.P. § 708.02 IV)

NOTE: See M.P.E.P. § 708.02, 7th ed.

Applicant hereby petitions to make this application special because applicant is over 65 years of age.

As a showing of this fact, accompanying this petition is:

(check one of the following)

☐ applicant's birth certificate.

☒ a declaration by the applicant that he/she is over 65 years of age.

No fee is required with this petition, in accordance with 37 C.F.R. § 1.102(c).

Craig W. Roddy
SIGNATURE OF PRACTITIONER

Reg. No.: 36,256

Craig W. Roddy
(type or print name of practitioner)

Tel. No.: (580) 251-3012

P.O. Box 1431
P.O. Address

Customer No.:

Duncan, OK 73536-0440

(Petition to Make Special Because of Applicant's A

PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700
MAY 29 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JAN 30 2006

Shelley P.M. Fussey, Ph.D.
Williams, Morgan & Amerson, P.C.
Suite 1100
10333 Richmond
Houston TX 77042

In re Application of	:
Elliott et al.	:
Serial No.: 11/036,202	: PETITION DECISION
Filed: January 14, 2005	:
Attorney Docket No.: 36697.5	:

This is in response to the petition under 37 CFR § 1.59(b), filed December 13, 2005, to expunge information from the above identified application.

Petitioner requests that the Proprietary Information Disclosure Statement, filed September 7, 2005, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, applicants' petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Bruce Kisliuk
Director, Technology Center 1600

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Technology Center 2100

Donald W. Muirhead
Muirhead and Saturnelli, LLC
200 Friberg Parkway, Suite 1001
Westborough, MA 01581

In re Application of David Engberg et al.
Application No. 11/036,221
Attorney Docket No. CSM-10802
Filed: January 10th, 2005
For: Bath OCSP and Batch Distributed OCSP

Petition under 37 CFR 1.48(a)

In view of the papers and petition filed December 22, 2006, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by adding Leonid Reyzin, such that the current inventorship is now David Engberg, Phil Libin and Silvio Micali.

The petition has been **Granted**.

The application will be forwarded to Techinical Support for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

Inquiries to this decision may be directed to Special Programs Examiner Tod Swann at (571) 272-3612.

Tod Swann, WQAS
Technology Center 2100
Computer Architecture, Software, and Information Security

UNITED STATES PATENT AND TRADEMARK OFFICE

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KENNETH DAVID SHANK
3343 NW 43RD
TOPEKA KS 66618

MAILED

SEP 11 2009

OFFICE OF PETITIONS

In re Application of :
Kenneth D. Shank : DECISION ON PETITION
Application Number: 11/036,236 :
Filing Date: 01/14/2005 :
For: FLOOR INSTALLER TOOL AND :
METHOD FOR USING :

This is a decision on the petition filed on April 16, 2009, under 37 CFR 1.137(a), to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)," or "Petition Under 37 CFR 1.137(b)."

The application became abandoned on July 7, 2007, for failure to timely file a response to the Office action requiring restriction and/or election mailed on June 6, 2007, which set a one (1) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on December 10, 2007.

Petitioner asserts that the delay occurred because "my attorney Bruce Clark did not inform me about [the] patent. I found out by the Enternet (sic) December 2008."

A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to

prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(l);

(3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The petition lacks items (1) and (3).

With regards to item (1), the petition lacks the required reply to the Office action requiring restriction and/or election mailed on June 6, 2007. 37 CFR 1.137(a)(1) states that the filing of the reply required by the outstanding Office action is a prerequisite to a grantable petition thereunder. A copy of the Office action mailed on June 6, 2007 is enclosed for petitioner's reference in preparing the required reply.

With regards to item (3), the Director may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to be "unavoidable".[1] Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. 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,

[1] 35 U.S.C. § 133.

> there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[2]

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).[5] Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[3]

There are three periods to be considered during the evaluation of a petition under 37 CFR 1.137(a):

(1) The delay in reply that originally resulted in expiration;
(2) The delay in filing an initial petition pursuant to § 1.137(a) to revive the application; and
(3) The delay in filing a *grantable* petition pursuant to § 1.137(a) to revive the application.[4]

This petition lacks the showing required by periods (1) and (2).

In regards to period (1), petitioner asserts that his attorney failed to communicate with him regarding the Office action mailed on June 6, 2007. Petitioner may wish to send a letter by certified mail to attorney Clark, informing him that the Office is investigating the cause of the delay in responding to the Office action requiring restriction and/or election mailed on June 6, 2007, asking him to respond in writing within one (1) month of the receipt of said letter with an explanation as to why

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[2] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[3] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

[4] See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131 at 53158 (October 10, 1997).

a response to the Office action mailed on June 6, 2007, was not timely filed. A copy of this decision should be included. Any response received from Clark should be included with a renewed petition, along with the return receipt postcard. If no response is received, petitioner should so state in any renewed petition. The above paragraph notwithstanding, petitioner is reminded that the failure of communication between an applicant and counsel is not unavoidable delay.[5]

In any event, while petitioner allegedly chose to rely upon attorney Clark, such reliance *per se* does not provide petitioner with a showing of unavoidable delay within the meaning of 37 CFR 1.137(a) and 35 USC 133.[6] Rather, such reliance merely shifts the focus of the inquiry from petitioner to whether Clark acted reasonably and prudently.[7] Nevertheless, petitioner is bound by any errors that may have been committed by Clark.[8]

The U.S. Patent and Trademark Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and applicant is bound by the consequences of those actions or inactions.[9] Specifically, petitioner's delay caused by the mistakes or negligence of his or her voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 U.S.C. § 133.[10] Furthermore, the U.S. Patent and Trademark Office is not the proper forum for resolving disputes between applicants and their representatives.[11]

In summary, the showing of record is that the abandonment resulted from a mistake on the part of petitioner's counsel and petitioner in failing to timely file a proper reply rather than as a result of unavoidable delay. As the showing presented is insufficient to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).

A delay resulting from a lack of knowledge or improper application of the patent statute, rules of practice, or the MPEP

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5 In re Kim, 12 USPQ2d 1595 (Comm'r Pat. 1988).

6 See California Med. Prod. v. Technol Med. Prod., 921 F. Supp. 1219, 1259 (D. Del. 1995).

7 Id.

8 California, *supra*.

9 Link v. Wabash, 370 U.S. 626, 633-34 (1962).

10 Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N. D. Ind. 1987); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (Comm'r Pat. 1891).

11 See Ray v. Lehman, 55 F.3d 606, 34 USPQ2d 1786 (Fed. Cir. 1995).

does not constitute an "unavoidable" delay.[12] As the showing of record does not rise to the level of unavoidable delay, the petition will be dismissed.

With regards to period (2), it is noted that petitioner states that he "found out" status of the application in December, 2008. The present petition was not filed, however, until April 16, 2009, four (4) months after discovering the application was abandoned. Petitioner must explain, in any renewed petition, why this four (4)-month delay was unavoidable.

In summary, while the Office is mindful of petitioner's predicament, the showing of record is that rather than unavoidable delay, petitioner failed to take adequate precautions to ensure that a timely response to the Office action mailed on June 6, 2007, was timely filed. As petitioner has not shown that he exercised the standard of care observed by a reasonable person in the conduct of his or her most important business, the petition will be dismissed.[13]

As the showing of record is insufficient to satisfy the requirements of a grantable petition under 37 CFR 1.137(a), the petition will be dismissed.

ALTERNATIVE VENUE

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b), which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after 8 June, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be

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[12] See Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ 1130, 1132 (N.D. Ind. 1987), Vincent v. Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

[13] See note 7, supra.

the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Should petitioners decide to file a petition under 37 CFR 1.137(b), the additional petition fee due is currently $810.00 for a small entity.[14]

[14] As Office fees are revised from time-to-time, petitioner is encouraged to check the USPTO website at www.uspto.gov for current fee amounts prior to submission of any petition. Alternatively, petitioner may contact the Office by phone at 1-800-PTO-9199 for fee information.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Correspondence may also be submitted via the Electronic Filing System of the USPTO.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Office action mailed on June 6, 2007
PTO/SB/64

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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HD

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/036,236	01/14/2005	Kenneth D. Shank	17134-001	5155

7590 06/06/2007

Bruce J. Clark
Second Floor
100 SE 9th Street
Topeka, KS 66612

EXAMINER	
DREIDAME, HUNTER M	
ART UNIT	**PAPER NUMBER**
3635	

MAIL DATE	DELIVERY MODE
06/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	11/036,236	SHANK, KENNETH D.	
	Examiner	Art Unit	
	Hunter M. Dreidame	3635	

-- 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 *1* 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 *03 May 2005*.

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) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-7* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions - Restriction Requirement

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-6, drawn to a floor covering layer's tool, classified in class 81, subclass 127.

II. Claim 7, drawn to a method for preserving cove base with toe using a curved edge rigid pry tool, classified in class 52, subclass 747.11.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case, the claimed product can be used as a nail pry or pry bar.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter M. Dreidame whose telephone number is (571)-272-5177. The examiner can normally be reached on Monday through Friday, 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on (571)-272-6777. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hunter M. Dreidame, Patent Examiner
May 23, 2007

Robert Canfield
Primary Examiner

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8704

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OFFICE OF PETITIONS

In re Application of :
Hockfield et al. :
Application No. 11/036,255 : DECISION ON PETITION
Filed: January 14, 2005 :
Attorney Docket No. YU-114 :

This is a decision on the petition, filed September 19, 2008, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of January 11, 2008, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before April 11, 2008.

Petitioner states that a timely reply was mailed via certificate of mailing on April 11, 2008, which included the following papers: amendment and claims. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated April 11, 2008, which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:
>
> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of January 11, 2008 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed (or transmitted by facsimile) on April 11, 2008.

This application is being referred to Technology Center AU 1642 for appropriate action in the normal course of business on the reply received with petition.

Charlema Grant
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100321

DATE : April 19, 2010

TO SPE OF : ART UNIT 3742

SUBJECT : Request for Certificate of Correction on Patent No.: 7271364

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

Certificate of Correction is correct.

SPE: /Tu B. Hoang/ **Art Unit** 3742

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AIR PRODUCTS AND CHEMICALS, INC.
PATENT DEPARTMENT
7201 HAMILTON BOULEVARD
ALLENTOWN PA 18195-1501

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JUL 07 2009

OFFICE OF PETITIONS

In re Application of :
William P. Ferrell :
Application No. 11/036,284 : ON PETITION
Filed: January 13, 2005 :
Attorney Docket No. 07322 USA :

This is a decision on the petition under 37 CFR 1.137(b), filed April 30, 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 March 11, 2008, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on May 12, 2008. See MPEP 1215.04

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment, a Request for Continued Examination, and the $405 filing fee; (2) the petition fee of $810; and (3) the required statement of unintentional delay have been received Accordingly, the reply to the final Office Action of September 11, 2007 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until

the filing of a grantable petition pursuant of 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Ron Abelson at (571) 272-3165 or in his absence, the undersigned at (571) 272-7099.

The application file is being referred to Technology Center AU 1793 for appropriate action on the concurrently filed Request for Continued Examination and amendment.

David Bucci
Petitions Examiner
Office of Petitions

Cc
Jeffrey F. Craft
Lee, Hong, Degerman, Kang & Waimey
660 S. Figueroa Street
Suite 2300
Los Angeles, CA 90017

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INTELLECTUAL PROPERTY LAW GROUP LLP
12 SOUTH FIRST STREET
SUITE 1205
SAN JOSE, CA 95113

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OFFICE OF PETITIONS

In re Application of :
Sriram DAYANANDAN, et al :
Application No. 11/036,297 : DECISION ON PETITION
Filed: January 7, 2005 : TO WITHDRAW
Attorney Docket No. DACOSTAF.CIP2 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 15, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Intellectual Property Law Group LLP has been revoked by the assignee of the patent application on August 7, 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: LEE VAN PELT, ESQ.
VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD., SUITE 200
CUPERTINO, CA 95014-5601

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/036,297	01/07/2005	Sriram Dayanandan	DACOSTAF.CIP2

CONFIRMATION NO. 5694

21912
VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO, CA 95014

POA ACCEPTANCE LETTER

OC000000026917489

Date Mailed: 11/27/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/07/2007.

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.

/dcgoodwyn/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/036,297	01/07/2005	Sriram Dayanandan	DACOSTAF.CIP2

CONFIRMATION NO. 5694

24943
INTELLECTUAL PROPERTY LAW GROUP LLP
12 SOUTH FIRST STREET
SUITE 1205
SAN JOSE, CA 95113

POWER OF ATTORNEY NOTICE

OC000000026917446

Date Mailed: 11/27/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/07/2007.

- 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).

/dcgoodwyn/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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SEP 14 2007

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of
ASANO, YASUHIRO, et al
Serial No.: **11/036,349**
Filed: January 18, 2005
For: **METHOD, DEVICE, AND COMPUTER PROGRAM PRODUCT FOR DISPLAYING 3D GRID IN DESIGNING CONFIGURATION MODEL**

DECISION ON PETITION
ACCEPTANCE OF COLOR PHOTOGRAPHS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed, July 12, 2007, requesting acceptance of color drawings.

The petition requests that the color drawings identified in figure 8 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) set of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is **GRANTED**.

Michael Horabik
Special Program Examiner
Technology Center 2600
Communications

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TRANSPACIFIC LAW GROUP
617 NORTH DELAWARE STREET
SAN MATEO CA 94401

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APR 10 2007

OFFICE OF PETITIONS

In re Application of
CHOU, Peilin
Application No. 11/036,428
Filed: January 13, 2005
Attorney Docket No. **N0155/PP/HH**

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 22, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272- 4231

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Customer No.# 44920**
VENABLE LLP
RAYMOND J. HO
575 7TH STREET NW
WASHINGTON, DC 20004-1601

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 04/21/2010

Applicant	: Thomas Moeller	: DECISION ON REQUEST FOR
Patent Number	: 7616794	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/036,439	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **854** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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CORNING INCORPORATED
SP-TI-3-1
CORNING, NY 14831

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JUL 24 2006

OFFICE OF PETITIONS

In re Application of :
Donald Andrew Burris et al :
Application No. 11/036,443 : DECISION GRANTING PETITION
Filed: January 14, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. SP05-003 :

This is a decision on the petition, filed July 17, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 26, 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 2839 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\july9\036443.wpd

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission), which includes the following language thereon: "The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee in the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).*

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HAHN LOESER / LINCOLN
ONE GOJO PLAZA
SUITE 300
AKRON, OH 44311-1076

Mail Date: 04/20/2010

Applicant	: Craig L. Diekmann	: DECISION ON REQUEST FOR
Patent Number	: 7646281	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/036,455	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **424** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

TRANSPACIFIC LAW GROUP
617 NORTH DELAWARE STREET
SAN MATEO CA 94401

In re Application of :
CHOU, Peilin :
Application No. 11/036,483 : DECISION ON PETITION
Filed: January 13, 2005 : TO WITHDRAW
Attorney Docket No. **N0156/PP/HH** : FROM RECORD
:

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 22, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272- 4231.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **VENABLE LLP**
RAYMOND J. HO
575 7TH STREET NW
WASHINGTON, DC 20004-1601

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DEC 7 2005

AFFYMETRIX, INC
ATTN: CHIEF IP COUNSEL, LEGAL DEPT.
3380 CENTRAL EXPRESSWAY
SANTA CLARA CA 95051

In re Application of	:	
John E. Blume et al	:	
Serial No.: 11/036,498	:	PETITION DECISION
Filed: January 13, 2005	:	
Attorney Docket No.: 3655.1	:	

This is in response to the petition under 37 CFR 1.181, filed June 20, 2005, requesting entry of sequence listings in DVD format.

Inasmuch as a Sequence listing is part of an original specification and required to be filed at the time of filing of an application no petition or fee is required for inclusion of a Sequence listing in such format. It is noted that the corrected Sequence listing filed June 20, 2005, has been accepted.

The petition is **DISMISSED**. No fees has been charged

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number 571-273-8300.

Jasemine C. Chambers
Director, Technology Center 1600

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TAROLLI, SUNDHEIM, COVELL & TUMMINO, LLP
1300 EAST NINTH STREET
SUITE 1700
CLEVELAND OH 44114

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DEC 22 2008

OFFICE OF PETITIONS

In re Application of
Gerhard E. Welsch
Application No. 11/036,507
Filed: January 12, 2005
Attorney Docket No. CWR-7527NP

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 25, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed July 25, 2007. 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 after midnight on September 25, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected formal drawings , (2) the petition fee of $770.00; and (3) a proper statement of unintentional delay.

The drawings have been approved by the USPTO draftsperson.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-3213.

This application is being referred to Publishing Division for processing into a patent.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

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JOSEPH M. SAUER
JONES DAY
901 LAKESIDE AVE
N POINT
CLEVELAND, OH 44114

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JUN 20 2006

OFFICE OF PETITIONS

In re Application of :
Jordi Soler Castany, et al. :
Application No. 11/036,509 : DECISION ON REQUEST
Filed: January 12, 2005 : TO WITHDRAW
Attorney Docket No. 153454600036 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §1.36(b), filed August 29, 2005.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Joseph M. Sauer and all the other attorneys/agents of record was revoked by the assignee of the patent application on September 23, 2005. Accordingly, the request to withdraw under 37 CFR §1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

There is an outstanding Office action mailed March 21, 2006 that requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to Sherry D. Brinkley at 571-272- 3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Conferee:

cc: JENKENS & GILCHRIST, PC
1445 ROSS AVENUE
SUITE 3200
DALLAS TX 75202

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BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

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JUN 14 2005

OFFICE OF PETITIONS

In re Application of
Muth, et al.
Application No. 11/036,513
Deposited: January 14, 2005
Attorney Docket No. 047777/286549
For: THERMOBONDED AND
PERFORATED NONWOVEN

DECISION GRANTING
PETITION

This is a decision on correspondence filed May 26, 2005 (certificate of mailing date May 24, 2005), requesting that the above-identified application be accorded a filing date of January 14, 2005. The correspondence will be treated as a petition under 37 CFR 1.53(e),

The application was deposited on January 14, 2005. On March 24, 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 January 14, 2005 because no drawings were present, as is required by 35 U.S.C. 113. It is noted that the specification references drawings figures.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that the above-identified application be accorded a filing date of January 14, 2005 based on the assertion that 2 sheets of drawing figures were received in the Patent and Trademark Office (PTO) on January 14, 2005. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing January 14, 2005 as the date of receipt. The postcard lists, *inter alia*, that the filing includes 2 sheets of drawings. No sheets of drawings are currently in the application file.

The return postcard constitutes *prima facie* evidence that 2 sheets of drawings were filed on January 14, 2005. MPEP 503. Accordingly, the request is granted. No petition fee has been or will be charged in connection with this matter.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of January 14, 2005, using the copy of the 2 sheets of drawings submitted with the instant petition. Office records will be corrected to show that 2 sheets of drawings were

present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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Kathleen R. Terry
13840 Johnson St. NE
Ham Lake MN 55304

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MAR 0 6 2006

OFFICE OF PETITIONS

In re Application of :
St Cyr et al. :
Application No. 11/036,522 : DECISION ON PETITION
Filed: January 14, 2005 :
Attorney Docket No. BP.024US1 :
Title of Invention: Use of Ribose in :
Recovery From Anaesthesia :

This is a decision on the petition under 37 CFR §1.137(b), filed January 27, 2006, 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 April 5, 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 June 6, 2005. A Notice of Abandonment was mailed on January 5, 2006.

The statement of unintentional delay presented in the petition does not comply with the current rule. Pursuant to 37 CFR 1.137(b)(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" is required. However, the statement presented will be accepted and construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition. [1]

The requirements for a grantable petition under 37 CFR §1.137(b) have been met. This petition is hereby **Granted**.

Petitioner submitted a four (4) month request for extension of time. However, pursuant to 37 CFR §1.136, an extension of time 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) Petitioner's period for extension of time expired on October

[1]It is noted the petition form (PTO/SB/64) has not been executed. However, petitioner has provided an "Explanation of Unintentional Abandonment and Petition for the Same" which has been executed.

5, 2005. Petitioner is ineligible for any extensions of time. The $795.00 will be refunded less the $65.00 surcharge for late filing of oath or declaration pursuant to 37 CFR 1.16(f).

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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United States Patent and Trademark Office
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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Mail Date: 04/21/2010

Applicant	: Gregory James Clary	: DECISION ON REQUEST FOR
Patent Number	: 7639876	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/036,534	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1092** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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KEATY PROFESSIONAL LAW CORPORATION
THOMAS S. KEATY
2 CANAL STREET
2140 WORLD TRADE CENTER
NEW ORLEANS LA 70130

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FEB 27 2007

OFFICE OF PETITIONS

In re Application of :
Milton Nunnery :
Application No. 11/036,540 : ON PETITION
Filed: January 14, 2005 :
Attorney Docket No. N04-1121 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 16, 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) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1) and (3).

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed May 20, 2004, which set a shortened statutory period for reply of three (3) months. A reply under 37 CFR 1.113 is limited to an amendment that *prima facie* places the application in condition for allowance or a Notice of Appeal (and appeal fee required by 37 CFR 1.17(b)). No amendment *prima facie* placing the application in condition for allowance or Notice of Appeal (and appeal fee) was timely filed. Accordingly, the above-identified application became abandoned.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: (703) 872-9306
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

Attachment: Advisory Action

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 11/036,540	**Applicant(s)** NUNNERY, MILTON	
	Examiner Katherine Moran	**Art Unit** 3765	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☒ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

K Moran

Katherine Moran
Primary Examiner
Art Unit: 3765

Continuation of 3. NOTE: The specification amendment recites "The arc of the central tab edge starts at the point of connection of the central tab 17 with the first portion 19 and continues through to a point of connection of the central tab 17 with the second portion 20 of the second edge 13." This recitation constitutes new matter in that the tab does not have a continuous arc from the first point of connection to the second point of connection. Figure 1 appears to show the arc edges at each upper side region of the tab, and a straight line extending between the arc edges. .

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SEP 28 2007

OFFICE OF PETITIONS

In re Application of :
Milton Nunnery :
Application No. 11/036,540 : ON PETITION
Filed: January 14, 2005 :
Attorney Docket No. N04-1121 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed April 30, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b)[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

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[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.

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 lacks item(s) (2).

Further correspondence with respect to this matter should be addressed as follows:

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By hand: Customer Window located at:

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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

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OFFICE OF PETITIONS

In re Application of :
Milton Nunnery :
Application No. 11/036,540 : ON PETITION
Filed: January 14, 2005 :
Attorney Docket No. N04-1121 :

This is a corrected decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 30, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely reply to the Final Rejection mailed January 30, 2006, which set a statutory period for reply of 3 months. The application became abandoned on May 1, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

SUMMARY:

A Final Rejection was mailed on January 30, 2006.

An amendment was submitted on May 5, 2006.

Advisory Action mailed on June 1, 2006, indicating that the amendment filed May 5, 2006, did not place the application in condition for allowance.

Copy of Notice of Non-compliant amendment faxed to applicant's representative on June 19, 2006. Petitioner states that the Notice was not attached to the Advisory Action of June 1, 2006.

A response (amendment) to the Notice of Non-Compliant Amendment (37 CFR 1.121) filed by facsimile on June 21, 2006.

Notice of Abandonment mailed October 2, 2006, stating that: "*Applicant's response of 5/1/06 was non-compliant. Applicant subsequently sent a response of 6/21/06 but did not include the required two-month extension of time fee.*" The Notice also clearly indicated that the proposed replies of 5/1,6/21/06, did not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.

Petition To Revive under 37 CFR 1.137(b) filed October 16, 2006.

Decision on petition with an Advisory Action was mailed on February 27, 2007. The Advisory Action indicated that the amendment filed October 16, 2006, did not place the application in condition for allowance (raised new matter).

Petition For Reconsideration filed April 30, 2007.

Decision mailed September 28, 2007, dismissing the petition filed April 30, 2007. The petition indicated that the petition lacked item (2) (the petition fee as set forth in 37 CFR 1.17(m), instead of item (1) the required reply.

CONCLUSION:

In view of the above, before the above application can be restored to pending status, a Renewed Petition Under 37 CFR 1.137(b), along with **a proper reply to the Final Office Action of January 30, 2006 is required**. Additionally, authorization to charge for an extension fee was not given in the response submitted on June 21, 2006. Instead, petition reads: "Examiner is requested to call the undersigned to **receive** authorization to charge the Deposit Account of the undersigned." Also, the copy of **Exhibit 3** submitted with the petition on April 30, 2007, shows no

authorization to charge any extension fees to Deposit Account No. 11-0260. Petitioner is advised that even if the extension of time fee was present on filing of the response on June 21, 2006, the amendment did not place the application in condition for allowance.

Further correspondence with respect to this matter should be addressed as follows:

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Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	BEFORE THE EXAMINER:
Cozewith et al.	§	Rip A. Lee
Serial No.: 11/036,544	§	Group Art Unit No.: 1713
Filed: January 14, 2005	§	Attorney Docket No.: 1998B038F
For: Articles Made From Blends	§	Confirmation No.: Not Yet Assigned
Made From Propylene	§	
Ethylene Polymers	§	
Customer No.: 23455	§	February 18, 2005

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PETITION TO MAKE SPECIAL

Sir:

Pursuant to 37 CFR § 1.102(c) and MPEP § 708.02 IV. (APPLICANT'S AGE), Applicant, Charles Cozewith, hereby petitions the Commissioner, through his attorney, that this application be made special and that the prosecution thereof be expedited as much as possible. As a basis for granting the above petition, it is submitted that Applicant is 65 years of age or more. Attached herewith is a copy of Applicant's birth certificate.

Respectfully submitted,

February 18, 2005
Date

Leandro Arechederra III
Attorney for Applicants
Registration No. 52,457

ExxonMobil Chemical Co.
Law Technology
P.O. Box 2149
Baytown, Texas 77522-2149
Phone: 281-834-2173
Fax: 281-834-2495

PETITION GRANTED

Richard Crispino
Special Program Examiner
TC1700

JUL 2 1 2005

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FEB 29 2008

OFFICE OF PETITIONS

In re Application of	:	
William P. Ried	:	
Application No. 11/036,562	:	DECISION ON PETITION
Filed: January 14, 2005	:	TO WITHDRAW
Attorney Docket No. P06954US00	:	FROM RECORD
	:	

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 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 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 September 18, 2007.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272- 2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **William P. Ried**
23212 W. 363rd Street
Paola, KS 66071

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WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE. N.W.
WASHINGTON DC 20036-5304

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OFFICE OF PETITIONS

In re Patent No. 7,181,997 :
Issue Date: February 27, 2007 :
Application No. 11/036,577 : DECISION GRANTING PETITION
Filed: January 18, 2005 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 59587.21740 :

This is a decision on the petition, filed April 11, 2007, which is being treated as a petition under 37 CFR 1.137(b) to accept an unintentionally delayed notification to the U.S. Patent and Trademark Office (USPTO) of the filing of an application in a foreign country or under a multinational treaty that requires publication of applications eighteen-months after filing. *See* 37 CFR 1.137(f).

The petition under 37 CFR 1.137(b) is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on January 18, 2006. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country. Therefore, pursuant to the provisions of 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c), petitioner failed to timely notify the USPTO of the filing of a counterpart 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(b) to accept an unintentionally delayed notification to the USPTO of the filing of a counterpart application in an eighteen-month publication country must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days as provided by 35 U.S.C. § 122(b)(2)(B)(iii) is accepted as having been unintentionally delayed.

This application matured into Patent No. 7,181,997 on February 27, 2007. Therefore, no further action being required, this patented file is being forwarded to Files Repository.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

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OFFICE OF PETITIONS

In re Application of :
HAINES, TIMOTHY G. : LETTER REGARDING
Application No. 11/036,584 : PATENT TERM ADJUSTMENT
Filed: January 14, 2005 :
Attorney Docket No. 3293.09US02 :

This letter is in response to the "PATENT TERM ADJUSTMENT LETTER OF CANDOR AND GOOD FAITH" filed January 6, 2010. Pursuant to applicant's duty of good faith and candor to the Office, applicant requests that the initial Determination of Patent Term Adjustment under 35 U.S.C. 154(b) be reviewed for accuracy.

The request for review of the initial Determination of Patent Term Adjustment is **granted**.

The Office has updated the PAIR and PALM screens to reflect that the corrected Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **zero (0) days**. A copy of the updated PAIR screen, showing the corrected determination, is enclosed.

On October 6, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is eleven (11) days. On January 6, 2010, applicant submitted the instant comment. Applicant disclosed: "The reported PTA of 11 days is thought by Applicant to be at least 126 days longer than appropriate, due to Applicant's

October 5, 2005, response to the March 1, 2005, Notice to File Missing Parts." *Letter, 01/06/10, p. 1.*

The Office concurs with applicant. A review of the application history confirms that applicant failed to engage in reasonable efforts to conclude processing of this application. Pursuant to 37 CFR 1.704(b), the period of adjustment should have been reduced by 126 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 Notice to File Missing Parts, June 2, 2005, and ending on the date the reply was filed, October 5, 2005. Accordingly, a period of reduction of 126 days for applicant delay will be entered.

In view thereof, the patent term adjustment at the time of the mailing of the Notice of Allowance is **zero (0) days** (289 days of PTO delay - 404 days of applicant delay).

As this letter was submitted as an advisement to the Office of an error in applicant's favor, the Office will not assess the $200.00 fee as set forth in 37 CFR 1.18(e). The Office thanks applicant for applicant's good faith and candor in bringing this to the attention of the Office.

Applicant is reminded that 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 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 U.S.C. 154(b)(1)(B) and 35 U.S.C. 154(b)(2)(A).

The Office of Data Management has been advised of this decision. The 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 the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of updated PAIR screen

Day : Wednesday

PALM INTRANET

Date: 4/14/2010
Time: 07:59:02

PTA Calculations for Application: 11/036584			
Application Filing Date:	01/14/2005	PTO Delay (PTO):	289
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	278
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-126		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
80	04/14/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		126	
70	10/06/2009	MAIL NOTICE OF ALLOWANCE			
69	10/02/2009	ISSUE REVISION COMPLETED			
68	10/02/2009	DOCUMENT VERIFICATION			
67	10/02/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
66	10/01/2009	NOTICE OF ALLOWABILITY			
65	08/04/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
64	08/04/2009	REFERENCE CAPTURE ON IDS			
63	08/04/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
62	09/02/2009	DATE FORWARDED TO EXAMINER			
61	08/04/2009	REQUEST FOR CONTINUED EXAMINATION (RCE)			
60	09/02/2009	DISPOSAL FOR A RCE / CPA / R129			
59	08/04/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
58	08/04/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
57	06/16/2009	FINISHED INITIAL DATA CAPTURE			
56	05/18/2009	RECEIPT INTO PUBS			
55	05/18/2009	RECEIPT INTO PUBS			
54	05/05/2009	EXPORT TO INITIAL DATA CAPTURE			
53	05/04/2009	MAIL EXAMINER'S AMENDMENT			
52	05/04/2009	MAIL NOTICE OF ALLOWANCE			
51	05/01/2009	ISSUE REVISION COMPLETED			
50	05/01/2009	DOCUMENT VERIFICATION			

49	05/01/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
48	04/27/2009	EXAMINER'S AMENDMENT COMMUNICATION			
47	04/27/2009	NOTICE OF ALLOWABILITY			
46	01/26/2009	NEW OR ADDITIONAL DRAWING FILED			
45	02/17/2009	DATE FORWARDED TO EXAMINER			
44	01/26/2009	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
43	02/17/2009	DATE FORWARDED TO EXAMINER			
42	01/26/2009	REQUEST FOR CONTINUED EXAMINATION (RCE)		95	37
41	02/17/2009	DISPOSAL FOR A RCE / CPA / R129			
40	01/26/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
39	01/26/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
38	10/07/2008	CASE DOCKETED TO EXAMINER IN GAU			
37	07/23/2008	MAIL FINAL REJECTION (PTOL - 326)	42		34
36	07/21/2008	FINAL REJECTION			
35	05/06/2008	DATE FORWARDED TO EXAMINER			
34	02/11/2008	RESPONSE AFTER NON-FINAL ACTION		93	31
33	02/11/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
32	09/11/2007	CASE DOCKETED TO EXAMINER IN GAU			
31	08/10/2007	MAIL NON-FINAL REJECTION			
30	08/06/2007	NON-FINAL REJECTION			
29	05/17/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
28	05/16/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
27	05/16/2007	REFERENCE CAPTURE ON IDS			
26	05/16/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
25	05/31/2007	DATE FORWARDED TO EXAMINER			
24	05/16/2007	RESPONSE AFTER NON-FINAL ACTION		89	18
23	05/16/2007	NEW OR ADDITIONAL DRAWING FILED			
22	05/16/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
21	05/16/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	05/17/2007	INFORMATION DISCLOSURE STATEMENT (IDS)		1	24

		FILED			
19	05/17/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	11/16/2006	MAIL NON-FINAL REJECTION	247		-1
17	11/13/2006	NON-FINAL REJECTION			
16	09/20/2006	CASE DOCKETED TO EXAMINER IN GAU			
15	05/11/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
14	05/11/2006	CASE DOCKETED TO EXAMINER IN GAU			
13	11/29/2005	CASE CLASSIFIED BY OIPE			
12	10/14/2005	APPLICATION RETURN FROM OIPE			
11	10/14/2005	APPLICATION IS NOW COMPLETE			
10	10/14/2005	APPLICATION RETURN TO OIPE			
9	10/14/2005	APPLICATION DISPATCHED FROM OIPE			
8	10/14/2005	APPLICATION IS NOW COMPLETE			
7	10/05/2005	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
6	10/05/2005	SMALL ENTITY STATEMENT (37 CFR 1.27)			
5	10/05/2005	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
3	02/12/2005	CLEARED BY OIPE CSR			
2	02/06/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	01/14/2005	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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900 SW FIFTH AVENUE
SUITE 2600
PORTLAND, OR 97204-1268

Mail Date: 04/21/2010

Applicant	: Andrew T. LaVeine	: DECISION ON REQUEST FOR
Patent Number	: 7654394	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/036,599	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **768** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

Mail Date: 04/21/2010

Applicant	: Manuel Aparicio IV	: DECISION ON REQUEST FOR
Patent Number	: 7574416	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/036,641	: OF WYETH
Filed	: 01/14/2005	:
		:

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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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 Oakmead Parkway
Sunnyvale, CA 94085-4040

Mail Date: 04/20/2010

Applicant	: Howard E. Rhodes	: DECISION ON REQUEST FOR
Patent Number	: 7666703	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/036,647	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1441** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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JAMES R. BARRETT
4019 178 TH PL NE
ARLINGTON WA 98223

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APR 25 2008

OFFICE OF PETITIONS

In re Application of :
JAMES R. BARRETT :
Application No. 11/036657 : ON PETITION
Filing Date: 01/14/2005 :
Title of Invention: POLE HOLDER :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 8, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of July 30, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2).

Applicant filed a reply to the Office action on October 1, 2007; however, the reply failed to place the application in condition for allowance. Applicant was so notified in an Advisory Action, mailed October 25, 2007. Accordingly, the date of abandonment of this application is October 31, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment; (2) the petition fee; and (3) a proper statement of unintentional delay. The Examiner has approved the Amendment.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

This application is being referred to Technology Center AU 3676 for appropriate action by the Examiner in the normal course of business on the amendment in accordance with 37 CFR 1.114.

Derek L. Woods
Attorney
Office of Petitions

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JAN 05 2010

CUMMINS-ALLISON CORP.
C/O NIXON PEABODY LLP
300 S. Riverside Plaza
16th Floor
CHICAGO, IL 60606

In re Application of	: DECISION ON PETITION
William Jones et al.	: TO WITHDRAW FINALITY
Appl. No. 11/036,686	: OF OOFICE ACTION
Filed: January 14, 2005	: UNDER 37 C.F.R. 1.181
For: CURRENCY PROCESSING DEVICE, METHOD AND SYSTEM	:

This is a decision on applicant's petition under 37 CFR 1.181 filed on November 4, 2008 to request the examiner (1) to review the claims pending in related U.S. patent applications Serial Nos. 11/036,686 and 10/903,745, (2) to inform applicant of any claims in these applications which will be subject to a double-patenting rejection including any provisional double-patenting rejection by the USPTO, if any, and (3a) to withdraw the finality of the Office Action of September 4, 2008 in the '686 application or, alternatively, (3b) to permit Petitioners to move claims between these two applications to obviate any double-patenting rejections raised despite the issuance of Final Office actions in these two applications

The petition is MOOT, given that the issues raised in this petition have been addressed by the examiner in the Office action dated January 16, 2009. A review of the record shows that on January 16, 2009 the examiner mailed a non-final Office action withdrawing the finality of the Office action mailed on September 4, 2008. In the non-final Office action, the examiner rejected claims in this application on the ground of nonstatutory obviousness-type double patenting over claims of U.S. patent application Serial No. 10/903,745.

For the reasons above, the Petition is DISMISSED as moot.

Any questions regarding this decision should be directed to Patrick Mackey at 571-272-6916.

Frederick Schmidt
Director Technology Center 3600
571-272-5150
pm/lm: 12/28/09

LM

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Merck
c/o Sirna Therapeutics, Inc.
1700 Owens Street
4th Floor
San Francisco, CA 94158

Mail Date: 04/20/2010

Applicant	: Chandra Vargeese	: DECISION ON REQUEST FOR
Patent Number	: 7655790	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/036,694	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/12/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **627** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Merck
c/o Sirna Therapeutics, Inc.
1700 Owens Street
4th Floor
San Francisco, CA 94158

Mail Date: 05/17/2010

Applicant : Chandra Vargeese
Patent Number : 7655790
Issue Date : 02/02/2010
Application No: 11/036,694
Filed : 01/12/2005

: 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 **667** 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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CHIH-CHING HSIEH
235 CHUNG - HO
BOX 8-24
TAIPEI TW TAIWAN

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APR 12 2007

OFFICE OF PETITIONS

In re Application of :
Chih-Ching Hsieh :
Application No. 11/036,700 : ON PETITION
Filed: January 18, 2005 :
Attorney Docket No.: **J5P5003-GFP-943008** :

This is a decision on the petition filed March 20, 2007 under 37 CFR 1.137(b), [1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed April 13, 2006. A shortened statutory period of three months was set for replying to the non-Final Office Action. No extensions of time having been requested, this application became abandoned July 14, 2006. Accordingly, a Notice of Abandonment was mailed on October 20, 2006.

This matter is being referred to Technology Center 2855 for appropriate action on the amendment filed March 20, 2007.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). ~~g~~rantable petition filed under the provisions of 37 CFR 1.137(b)must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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CHIEN-HUI SU
P.O. BOX 70-121 TAICHUNG
TAICHUNG CITY 40899 TW TAIWAN

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APR 22 2009

OFFICE OF PETITIONS

In re Application of
Chih-Ching Hsieh
Application No. 11/036,704
Filed: January 18, 2005
Attorney Docket No. J5P4089-GFP-932950

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 18, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a terminal disclaimer/fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply received December 18, 2008 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3723 for appropriate action by the Examiner in the normal course of business on the reply received December 18, 2008.

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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CHAN PU LIU
235 Chung-Ho
Box 8-24
Taipei TW TAIWAN

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SEP 24 2007

OFFICE OF PETITIONS

In re Application of	:	
CHAN PU LIU	:	
Application No. 11/036,705	:	DECISION ON PETITION
Filed: 04/01/2005	:	
Attorney Docket No Y4P4005-DOC00139	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 10, 2007, and resubmitted on April 17, 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 September 5, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 6, 2006. A Notice of Abandonment was mailed on March 16, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

This application is being referred to Technology Center AU 3749 for appropriate action by the Examiner in the normal course of business on the reply received on April 10, 2007, and resubmitted on April 17, 2007.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, CA 94304-1018

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SEP 0 7 2006

OFFICE OF PETITIONS

In re Application of :
BELISLE, et al. :
Application No. 11/036,707 : DECISION ON PETITION
Filed: January 13, 2005 : TO WITHDRAW
Attorney Docket No. 574502000100 : FROM RECORD
:

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 10, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, client requested transfer, does not meet any of the conditions set forth in 37 CFR 10.40.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being

submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, **reel and frame number**). The power of attorney filed on July 11, 2006 does not include one of the above two options.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at 571-272-7253.

Amelia Au
Petitions Examiner
Office of Petitions

cc: Thomas A. Haag, Ph.D., Esq.
McDermott Will & Emery LLP
600 13th Street Northwest
Washington, DC 20005

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LERNER, DAVID LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

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MAY 21 2008

OFFICE OF PETITIONS

In re Application of :
Joseph A. Frezza :
Application No. 11/036,711 : DECISION ON PETITION
Filed: January 14, 2005 : TO WITHDRAW
Attorney Docket No. MEPSTE 3.0-002 : 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 November 5, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because there remains less than 30 (thirty days) between the date of this decision and the maximum extendable time period for filing a response to the Office action mailed on December 5, 2007.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: CONSTRUCTION SOLUTIONS, LLC
3 MEADOWBROOK LANE
OLD WESTBURY, NY 11568

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TRANSPACIFIC LAW GROUP
617 NORTH DELAWARE STREET
SAN MATEO CA 94401

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MAY 31 2007

OFFICE OF PETITIONS

In re Application of :

JUNG-SHUN, Ou :
Application No. 11/036,721 : DECISION ON PETITION
Filed: January 13, 2005 : TO WITHDRAW
Attorney Docket No. **N0154/PP/HH** : FROM RECORD
:

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 27, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272- 4231.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **VENABLE LLP**
RAYMOND J. HO
575 7TH STREET NW
WASHINGTON, DC 20004-1601

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 6/2/2008

TO SPE OF : ART UNIT 2800 (2822)

SUBJECT : Request for Certificate of Correction on Patent No.: 7,242,053

Attn: Monica Lewis

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and forward within **7** days to: **Scanning customer Support**

Send copy also via PTO mail to:
Certificates of Correction Branch – 2900 South Tower 9A39A
Palm location **7580** - Tel. No. 308-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

***Ok to enter the changes in claims as req. in COCIN?**

Ernest C. White, LIE - 308-9390x122
Certificates of Correction Branch

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

_____

_____

_____

_____

_____

/Zandra Smith/ 2822

IMIS

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 06/21/07

TO SPE OF : ART UNIT 3748

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/036741** Patent No.: **7168405**

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Angela Green
Certificates of Correction Branch
703.308.9380 ext. 123

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- [X] **Approved** — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

THOMAS DENION
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

Thomas Denion
SPE

3748
Art Unit

(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,168,405

DATED : January 30, 2007

INVENTOR(S) : John J. Hartley, Jr.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Add:

--RELATED U.S. APPLICATION DATA
Provisional application No. 60/540,168, filed on January 30, 2004.--

Claim 1:

Column 8, line 36, delete "heads are" and insert --head is--.
Column 8, line 37, delete "heads" and insert --head--.
Column 8, beginning at line 46, delete "of the left-head overhead camshaft structure".
Column 8, beginning at line 56, delete "cams in" and insert --camshafts of--.
Column 9, line 3, after "gear" insert --, wherein a gear ratio of the crankshaft gear to the offset gear is approximately 1:1;--.
Column 9, line 4 after "a" insert --left-side--.
Column 9, line 7, after "camshafts" insert --;--.
Column 9, beginning at line 8, delete "wherein sizes of the camshaft sprockets, drive sprocket, crankshaft gear, and offset gear are chosen to provide an overall rotation reduction ratio from crankshaft to camshaft of 2:1, and wherein a gear ratio of the crankshaft gear to the offset gear is 1:1.".
Column 9, line 17, delete "second".
Column 9, beginning at line 17, delete "gear and second crankshaft gear".
Column 9, beginning at line 19, delete "a second chain engaged with the right-head camshaft sprockets and with the crankshaft gear sprocket of the non-offset gear mechanism for transferring a drive force of the crankshaft to the pair of right-head over-head camshafts"
and insert --a right-side chain engaged with the right-head camshaft sprockets and with the crankshaft sprocket for transferring a drive force of the crankshaft to the pair of right-head overhead camshafts, wherein sizes of the camshaft sprockets, offset gear drive sprocket, crankshaft sprocket, crankshaft gear, and offset gear are chosen to provide an overall rotation reduction ratio from crankshaft to each camshaft of 2:1.--.

Claim 6:

Column 10, line 7, delete "further comprising:" and insert --wherein,--.
Column 10, line 8, delete "a" and insert --the--.
Column 10, line 8, after "chain" insert --is--.
Column 10, line 8, delete "crankshaft" and insert --offset gear drive sprocket--.
Column 10, line 10, after "structure" insert --, the left-side chain having a slack side; and--.
Column 10, line 11, delete "a" and insert --the--.
Column 10, line 11, after "chain" insert --is--.
Column 10, line 11, after "crankshaft" insert --sprocket--.
Column 10, line 13, after "structure" delete "; and".

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Jansson Shupe & Munger Ltd.
245 Main Street
Racine, WI 53403

PATENT NO. 7,168,405

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,168,405

DATED : January 30, 2007

INVENTOR(S) : John J. Hartley, Jr.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Claim 6 continued:

Column 10, line 13, after "structure" insert --, the right-side chain having a slack side,--.
Column 10, line 14, delete "a" and insert --the--.
Column 10, line 14, delete "side" and insert --sides--.

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PATENT NO. 7,168,405

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

09 MAY 2006

In re Application of:
Thies Schrader, et al.
Application No. 11/036,762
Filed: January 14, 2005
For: A METHOD FOR ADHOC BUFFER

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed January 23, 2006 under MPEP §708.02,VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:
(1) be filed prior to receiving any examination by the examiner,
(2) be accompanied by the required fee- $130,
(3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
(4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
(5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
(6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111(b) and (c), how the claimed subject matter is patentable over the references.

Applicant's submission is deficient in that it does not comply with (6) above. That is, no clear indication is given specifically pointing out how the language of the claims patentably distinguishes from the references.

Accordingly, the petition is **DENIED**.

Should applicant desire reconsideration, he/she should supplement this petition by supplying the information as outlined above. No further petition fee is required.

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision.

Krista Zele
Special Program Examiner
Technology Center 2600
Communications

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P.O. BOX 2368
NORTH CANTON, OH 44720

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SEP 2 1 2005

OFFICE OF PETITIONS

In re Application of :
Dennis D. Belden, Jr., Ronald M. Marslio, :
Aaron McMahan and Jesse D. Wells :
Application No. 11/036,774 :
Filed: January 14, 2005 :
Title: LOCKABLE MEDIA STORAGE :
CONTAINER :

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the "Petition Under 37 CFR 1.47(a)," filed August 31, 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 January 14, 2005 without an executed oath or declaration and naming Dennis D. Belden, Jr., Ronald M. Marslio, Aaron McMahan and Jesse D. Wells as joint inventors.

Petitioner has submitted $130.00 for the petition fee. However, as of November 22, 2004, the required fee has increased to $200.00 (37 CFR 1.17(g)). An additional $70.00 is required before the petition will be reviewed on the merits.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
Box 1450
Alexandria, VA 22313

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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NORTH CANTON, OH 44720

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OFFICE OF PETITIONS

In re Application of :
Dennis D. Belden, Jr., Ronald M. Marsilio, :
Aaron McMahan and Jesse D. Wells :
Application No. 11/036,774 : DECISION GRANTING PETITION
Filed: January 14, 2005 : UNDER 37 CFR 1.47(a)
For: LOCKABLE MEDIA STORAGE :
CONTAINER :

This is in response to the "Request For Reconsideration of Petition Under 37 CFR 1.47(a)," filed November 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 Technology Center 3700 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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AARON MCMAHAN
3787 TREYBURN AVENUE, NW
MASSILLON, OH 44646

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OFFICE OF PETITIONS

In re Application of
Dennis D. Belden, Jr., Ronald M. Marsilio, Aaron McMahan and Jesse D. Wells
Application No. 11/036,774
Filed: January 14, 2005
For: LOCKABLE MEDIA STORAGE CONTAINER

Dear AARON MCMAHAN:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3228. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ZOLLINGER & BURLESON, LTD.
P.O. BOX 2368
NORTH CANTON, OH 44720

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DAVID A. JACKSON, ESQ.
KLAUBER & JACKSON
4TH FLOOR
411 HACKENSACK
HACKENSACK, NJ 07601

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OFFICE OF PETITIONS

In re Application of
Avelino Corma Canos, et al.
Application No. 11/036,783
Filed: January 14, 2005
Attorney Docket No. 2429-1-042

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 14, 2010, to revive the above-identified application.

This application became abandoned for failure to timely submit corrected formal drawings on or before November 13, 2009, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed August 13, 2009. Accordingly, the date of abandonment of this application is November 14, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected formal drawings , (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

The drawings have been approved by the USPTO draftsperson.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at 571-272-4200.

This application is being referred to the Office of Data Management for processing into a patent.

April M. Wise
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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MARTIN J. BENSON
PATENT AGENT
4107 N. SPAULDING AVE.
CHICAGO, IL 60618

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OFFICE OF PETITIONS

In re Application of :
Robert W. Kirchhoff :
Application No. 11/036,795 : DECISION ON PETITION
Filed: January 18, 2005 : TO MAKE SPECIAL UNDER
Attorney Docket No. 105 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 6, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of Inventor Robert W. Kirchhoff's passport showing that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3711 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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HARNESS DICKEY & PIERCE PLC
7700 BONHOMME STE 400
ST LOUIS MO 63105

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OFFICE OF PETITIONS

In re Application of :
David A. Baumann :
Application No. 11/036,804 : ON PETITION
Filed: January 14, 2005 :
Attorney Docket No. 5796-2US :

This is a decision on the petition under 37 CFR 1.137(b), filed October 24, 2007, to revive the above-identified application.

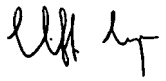
The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a response to the non-final Office action mailed April 20, 2007. This Office action set a shortened statutory period for reply of three months. No extensions of time were obtained. Accordingly, no reply having been received, the application became abandoned on July 21, 2007. The mailing of this decision precedes the mailing of a Notice of Abandonment.

With the instant petition, applicant paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of an Amendment.

The matter is being forwarded to Group Art Unit 3611 for consideration of the response filed October 24, 2007.

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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NEW YORK, NY 10022

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OFFICE OF PETITIONS

In re Application of :
MCGEE, et al. :
Application No. 11/036,852 :
Filed: January 14, 2005 :
Attorney Docket No. 286440.121 US2 :

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 23, 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 Victor F. Souto on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed August 1, 2008 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: MEGA ROBOT, INC.
7238 PRINCETON PLACE
PITTSBURGH, PA 15218

cc: CLAUDIA MCGEE
MEGA ROBOTS, INC.
1070 ST MELION DRIVE
PRESTO, PA 15142

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Pepper Hamilton LLP
400 Berwyn Park
899 Cassatt Road
Berwyn PA 19312-1183

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OFFICE OF PETITIONS

In re Patent No. 7,479,376 :
Issued: January 20, 2009 :
Application No. 11/036,875 : PATENT TERM ADJUSTMENT
Filed: January 14, 2005 :
Dkt. No.: 100051.11011 :

This is a decision on the "APPLICATION FOR CONSIDERATION OF PATENT TERM ADJUSTMENT PURSUANT TO 37 CFR §1.702," filed March 19, 2009. This matter is properly treated under 37 CFT 1.705(d) as an application for patent term adjustment.

The request for reconsideration of patent term adjustment (PTA) is **DISMISSED**.

The above-identified application matured into U.S. Pat. No. 7,479,376 on January 20, 2009. The patent issued with a PTA of 330 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). The application requests that the patent term adjustment be increased from 330 days to 702 days.

Patentees request reconsideration of the patent term adjustment based on the decision in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentees assert entitlement to an additional adjustment of 372 days pursuant to 37 CFR 1.702(b).

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.

At the time of issuance of the patent, the application was pending three years and 372 days. The Office agrees that certain action was not taken within a specified time frame, and, thus, the entry of a period of adjustment of 429 days is correct. At issue is whether patentees should accrue an additional 372 days of patent term adjustment for the Office taking in excess of three years to issue the patent as well as 429 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that the period of 372 days of delay in issuance of the patent more than three years after the date that the application was filed overlaps with the period of 429 days of examination delay. Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> To the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

Likewise, 35 CFR 1.703(f) provides that:

> To the extent that periods of delay attributable to the grounds specified in § 1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A), 69 Fed. Reg. 34283 (June 21, 2004), the Office interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule, 65 Fed. Reg. 56366 (Sept. 18, 2000). See, also, Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See, also, Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A), 69 Fed. Reg. 34283 (June 21, 2004).

The current wording of § 1.703(f) was revised in response to the misinterpretation of this provision by a number of Patentees. The rule was slightly revised to more closely track the corresponding language of 35 U.S.C. 154(b)(2)(A). The relevant portion differs only to the extent that the statute refers back to provisions of the statute whereas the rule refers back to sections of the rule. This was not a substantive change to the rule nor did it reflect a change of

the Office's interpretation of 35 U.S.C. 154(b)(2)(A). As stated in the Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A), the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding § 1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed. The grounds specified in these sections cover the A) guarantee of prompt Patent and Trademark Office responses, B) guarantee of no more than 3-year application pendency, and C) guarantee or adjustments for delays due to interference, secrecy orders and appeals. A section by section analysis of 35 U.S.C. 154(b)(2)(A) specifically provides that:

> Section 4402 imposes limitations on restoration of term. In general, pursuant to [35 U.S.C.] 154(b)(2)(A)-(C), total adjustments granted for restorations under [35 U.S.C. 154](b)(1) are reduced as follows: (1) To the extent that there are multiple grounds for extending the term of a patent that may exist simultaneously (e.g., delay due to a secrecy order under [35 U.S.C.] 181 and administrative delay under [35 U.S.C.] 154(b)(1)(A)), the term should not be extended for each ground of delay but only for the actual number of days that the issuance of a patent was delayed; See, 145 Cong. Rec. S14,718[1].

As such, the period for over three-year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames.

In 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, January 14, 2005, to the date the patent issued on January 20, 2009. Prior to the issuance of the patent, 429 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 372 days for Office delay in issuing the patent overlap with the 429 days of Office examination delay. The Office did not delay 429 days and also delay an additional 372 days. Accordingly, as the 372 days attributable to the delay in the issuance of the patent

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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).

overlaps with the adjustment of 429 days attributable to grounds specified in § 1.702(a)(1), entry of both periods is not warranted.

In view thereof, no adjustment to the patent term will be made.

The required application fee of $200.00 has been charged to patentees' deposit account, as authorized. See, 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

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JOHN W. GREENWALD
GARDNER GROFF, P.C.
PAPER MILL VILLAGE, BUILDING 23
600 VILLAGE TRACE, SUITE 300
MARIETTA, GA 30067

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AUG 3 1 2006

OFFICE OF PETITIONS

In re Application of :
Digweed, et al. :
Application No. 11/036,882 : DECISION ON PETITION
Filed: January 14, 2005 : TO WITHDRAW
Attorney Docket No. 5B08.1-010 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 5, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by John W. Greenwald, on behalf of all attorneys of record who are associated with customer No. 23506.

All attorneys/agents associated with the Customer Number 23506 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: Anthony Digweed
Kings Copse Farm
Tanhouse Lane, Botley S030 2SZ
United Kingdom

cc: Brockwood Services, LLP
Brockwood House
Brockbridge, Droxford
Hampshire S032 3QT
United Kingdom

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HOWARD IP LAW GROUP
P.O. BOX 226
FORT WASHINGTON, PA 19034

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AUG 12 2008

OFFICE OF PETITIONS

In re Application of :
KURTZ, et al. :
Application No. 11/036,884 : DECISION ON PETITION
Filed: January 14, 2005 : TO WITHDRAW
Attorney Docket No. Kulite-106 : FROM RECORD
:

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 29, 2008.

The request is DISMISSED as moot.

A review of the file record indicates that the power of attorney to HOWARD IP LAW GROUP has been revoked by the assignee of the patent application on May 28, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: THE PLEVY LAW FIRM
10 RUTGERS PLACE
TRENTON, NJ 08618

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CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON, DC 20006

Mail Date: 05/06/2010

Applicant	: Yeheskel Bar-Ness	: DECISION ON REQUEST FOR
Patent Number	: 7620096	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/036,891	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/14/2005	: 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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O'KEEFE, EGAN, PETERMAN & ENDERS LLP
1101 CAPITAL OF TEXAS HIGHWAY SOUTH
#C200
AUSTIN, TX 78746

Mail Date: 04/21/2010

Applicant	: Yea Zong Kuo	: DECISION ON REQUEST FOR
Patent Number	: 7603656	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/036,896	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1309** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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WASHINGTON UNIVERSITY-SNR
C/O SONNENSCHEIN NATH & ROSENTHAL L.L.P
P.O. BOX 061080
WACKER DRIVE STATION , WILLIS TOWER
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Thomas J. Baranski	: DECISION ON REQUEST FOR
Patent Number	: 7642066	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/036,897	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **488** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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WASHINGTON UNIVERSITY-SNR
C/O SONNENSCHEIN NATH & ROSENTHAL L.L.P
P.O. BOX 061080
WACKER DRIVE STATION , WILLIS TOWER
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Thomas J. Baranski	: DECISION ON REQUEST FOR
Patent Number	: 7642066	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/036,897	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **488** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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GLOBAL RESEARCH
PATENT DOCKET RM. BLDG. K1-4A59
NISKAYUNA NY 12309

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AUG 23 2006

OFFICE OF PETITIONS

In re Application of	:	
Bonitatebus et al.	:	
Application No. 11/036,935	:	ON PETITION
Filed: January 18, 2005	:	
Attorney Docket No. 124050-11	:	

This is a decision on the petition under 37 CFR §§ 1.78(a)(3), filed May 22, 2006, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 for the benefit of the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED AS MOOT**.

A petition under 37 CFR §§ 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000.

Along with the instant petition under 37 CFR §§ 1.78(a)(3), petitioner has submitted an amendment to the first sentence of the specification following the title to include a reference to the prior-filed applications.

The instant pending nonprovisional application was filed on January 18, 2005, and was pending at the time of filing of the instant petition. While a reference to the prior-filed applications was not included in an ADS or in the first sentence of the specification following the title, reference nevertheless was made in the transmittal letter filed with the above-identified application.

The current procedure where a claim for priority under 37 CFR §§ 1.78(a)(3) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 CFR §§ 1.78(a)(2)(ii). However, on the other hand, if the USPTO does not note the claim for priority to the prior-filed application(s) set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 CFR §§ 1.78(a)(3.[1] In the instant case, the Office noted the claim for priority of the prior-filed applications in the transmittal letter filed with the application, as shown by their inclusion on the filing receipt.

[1] *Note* MPEP 201.11 (V), page 200-75 (Rev. 1. Feb. 2004 and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

Any questions concerning this decision on petition may be directed to the undersigned at (571) 272-3206. 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 the Examiner of Technology Center AU 1762.

Liana Chase
Petitions Examiner
Office of Petitions

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STEPHEN B. ACKERMAN
28 DAVIS AVENUE
POUGHKEEPSIE NY 12603

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JUL 06 2007

OFFICE OF PETITIONS

In re Patent No. 7,176,532 :
Application No. 11/036,937 :
Filed: January 14, 2005 : ON PETITION
Issued: February 13, 2007 :
Attorney Docket No. DS04-011 :

This is a decision on the request filed May 7, 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**.

A processing fee of $130.00 is also required under 37 CFR 3.81(b), which will be charged to petitioner's deposit account as previously authorized.

The patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to Petitions Examiner Liana Walsh at (571) 272-3206. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Liana Walsh for
Frances Hicks
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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Carr & Ferrell, LLP
2200 Geng Road
Palo Alto, CA 94303

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JUN 0 3 2009

OFFICE OF PETITIONS

In re Application of :
Mitrajit Chatterjee et al. :
Application No. 11/036,938 : DECISION ON PETITION
Filed: January 14, 2005 : TO WITHDRAW
Attorney Docket No. PA2849US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 13, 2006.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to V. Randall Gard and all attorneys/agents of record has been revoked by the assignee of the patent application on March 23, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Glass & Associates
P.O. Box 1220
Los Gatos, CA 95031-1220

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14TH FLOOR
8000 TOWERS CRESCENT
TYSONS CORNER, VA 22182

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NOV 15 2007

OFFICE OF PETITIONS

In re Application of :
Roman Pichna et al :
Application No. 11/036,956 : ON PETITION
Filed: January 14, 2005 :
Attorney Docket No. 059643.00740 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 2, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of November 28, 2006. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is March 1, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $790 and the submission required by 37 CFR 1.114; (2) the petition fee of $1500; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This application is being referred to Technology Center AU 2616 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Irvin Dingle
Petition Examiner
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/036,973	01/14/2005	2661	0.00	021245-002520US	7	24	3

CONFIRMATION NO. 1078

CORRECTED FILING RECEIPT

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

OC000000015542243

Date Mailed: 03/23/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Ramesh Radhakrishnan, Saratoga, CA;
Bala Balachander, Santa Clara, CA;

Assignment For Published Patent Application

Airgo Networks, Inc., Palo Alto, CA

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/537,236 01/16/2004

Foreign Applications

If Required, Foreign Filing License Granted: 02/28/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/036,973

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

**** SMALL ENTITY ****

Title

Capacity management for wireless local area networks

Preliminary Class

370

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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TUROCY & WATSON, LLP
127 Public Square
57th Floor, Key Tower
Cleveland, OH 44114

Mail Date: 04/20/2010

Applicant	: Ramesh Radhakrishnan	: DECISION ON REQUEST FOR
Patent Number	: 7573857	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/036,973	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **567** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

Aft. Dec.

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APR 13 2005

PTO/SB/83 (09-04)
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REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	11/036984
Filing Date	1/19/2005
First Named Inventor	Pristash, David J.
Art Unit	n/a
Examiner Name	n/a
Attorney Docket Number	Kelly-0001-US

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Please withdraw me as attorney or agent for the above identified patent application, and

- ☐ all the attorneys/agents of record.
- ☑ the attorneys/agents (with registration numbers) listed on the attached paper(s), or
- ☐ the attorneys/agents associated with Customer Number ☐

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

Approved
Jacqueline M. Stone, Director
Technology Center 1700
7/15/05

The reasons for this request are:
Assignee requested transfer

CORRESPONDENCE ADDRESS

1. ☐ The correspondence address is NOT affected by this withdrawal.
2. ☑ Change the correspondence address and direct all future correspondence to:

☐ The address associated with Customer Number: ☐

OR

☑ Firm or Individual Name	Norma Byron The Ashlawn Group, LLC				
Address	101 S. Whiting Street Suite 308				
City	Alexandria	State	VA	Zip	22304
Country	USA				
Telephone	(703) 461-3600			Fax	(703) 461-0275
Signature					
Name	Timothy J. Maier			Registration No.	51,986
Date	April 13, 2005			Telephone No.	(703) 740-8322

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-600-PTO-9199 and select option 2.

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MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

MAILED

JUN 29 2009

OFFICE OF PETITIONS

In re Application of :
Hiroshi Fujimoto et al :
Application No. 11/037,012 : ON PETITION
Filed: January 19, 2005 :
Attorney Docket No. 264820US8

This is a decision on the petition, filed June 26, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 19, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2439 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/037,025	01/19/2005	Yair Reisner	28039	6024

67801 7590 06/02/2010

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

EXAMINER	
KIM, TAEYOON	

ART UNIT	PAPER NUMBER
1651	

MAIL DATE	DELIVERY MODE
06/02/2010	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.

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
11037025	1/19/2005	REISNER ET AL.	28039

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

EXAMINER
Taeyoon Kim

ART UNIT	PAPER
1651	20100512

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

In re Application of: Reisner et al :
Serial Number: 11/037025 :
Filed: January 19, 2005 :
Attorney Docket: 28039 : DECISION ON PETITION
For: Therapeutic Transplantation Using Developing, :
Human or Porcine, Renal or Hepatic, Grafts :

This is in response to applicant's petition to accept color drawings/photographs filed on Mar. 28, 2010.

All requirements under 37 C.F.R. 1.84(a)(2) are met. Accordingly, petition is Granted.

Petition GRANTED.

/Michael G. Wityshyn/
Supervisory Patent Examiner, Art Unit 1651

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MARK A. TIDWELL
JACKSON WALKER L.L.P.
SUITE 2100
112 E. PECAN STREET
SAN ANTONIO, TX 78205-1521

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OCT 15 2008

OFFICE OF PETITIONS

In re Application of
James N. Thompson, et al.
Application No. 11/037,031
Filed: January 17, 2005
Attorney Docket No. 021120.0047.000

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 24, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of December 12, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). On June 24, 2008, the present petition was filed. A Notice of Abandonment was subsequently mailed on July 10, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810; (2) the petition fee of $1,540; and (3) an adequate statement of unintentional delay.

It is noted that petitioner submitted an extension of time with the present petition. Extensions of time under 37 CFR 1.136 are available only if asked for prior to or with the response. In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Since, no extension of time fees are due on a petition for revival, the $1,050 extension fee submitted with the present petition is being credited to counsel's deposit account.

This application is being referred to Technology Center AU 3671 for processing of the RCE in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

28 SEP 2006

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
Suzuki et al.	:	
Application No.: 11/037,046	:	DECISION
PCT No.: PCT/JP03/09148	:	
Int. Filing Date: 18 July 2003	:	ON
Priority Date: 22 July 2002	:	
Attorney Docket No.: Q85724	:	PETITION
For: Copolymer And Polymer Light Emitting Device Using The Same	:	

This is in response to the "Petition Under 37 C.F.R. §1.182..." filed on 03 October 2005, as well as the correspondence filed on 30 March 2005, which are being treated under 37 CFR 1.181.

BACKGROUND

This international application was filed on 18 July 2003, claimed an earliest priority date of 22 July 2002, and designated the U.S. The International Bureau communicated a copy of the published international application to the USPTO on 29 January 2004. The 30 month time period for paying the basic national fee in the United States expired at midnight on 22 January 2005. Applicants filed *inter alia* the basic national fee on 19 January 2005.

On 04 March 2005, a Notice to File Missing Parts of Nonprovisional Application Filed Under 37 CFR 1.53(b) was mailed to applicants, requiring the filing of an executed oath or declaration and surcharge.

DISCUSSION

Counsel argues that the Notice to File Missing Parts mailed on 04 March 2005 was inappropriate, and requests treatment of this application under 35 U.S.C. 371. The USPTO has adopted a bright-line test for determining whether application papers will be processed under 35 U.S.C. 371 or alternatively under 35 U.S.C. 111(a). Under this standard, any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). The official PTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states, in part, the following:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111.

To clearly indicate an international application is being filed under 35 U.S.C. 371 the applicant should use the "Transmittal Letter for United States Designated Office" (Form PTO-1390) as the transmittal letter.

Alternatively, one of the following indications may be used:

1) the applicant shall clearly state in the transmittal or cover letter that he or she is filing under 35 U.S.C. 371 or entering the national stage under PCT; or

2) the applicant clearly identifies in the oath or declaration the specification to which it is directed by referring to a particular international application by PCT Serial Number and International Filing Date and that he or she is executing the declaration as, and seeking a U.S. Patent as, the inventor of the invention described in the identified international application.

Inspection of the instant application file reveals that the transmittal letter filed on 19 January 2005 specifically stated that "The following documents and fees are submitted herewith in connection with the above application for the purpose of entering the National stage under 35 U.S.C. §371 and in accordance with the Patent Cooperation Treaty..." The transmittal letter further itemized fees appropriate for treatment under 35 U.S.C. 371. No contrary instructions explicitly requesting or suggesting treatment under 35 U.S.C. 111(a) were present among the papers filed on 19 January 2005. As such, this application has satisfied the test for determining whether application papers will be processed under 35 U.S.C. 371; treatment under 35 U.S.C. 371 rather than 35 U.S.C. 111(a) was in fact appropriate. Therefore, the Notice of Missing Parts mailed on 04 March 2005 was inappropriate, and it is hereby **VACATED**.

DECISION

The petition is **GRANTED**.

Since this matter has been treated under 37 CFR 1.181 rather than 37 CFR 1.182, the $400.00 paid for the petition fee under 37 CFR 1.182 on 26 September 2005 is being refunded to counsel's Deposit Account No. 19-4880.

This application is being forwarded to the National Stage Processing Branch for processing as the U.S. national stage of international application PCT/JP03/09148. The date of this application under 35 U.S.C. 371(c)(1), (2) and (4) is **30 March 2005**.

Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration

George M. Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

Keplm. Ref: 10/03/2006 SBASHEIR 0014240100
DAN:194880 Name/Number:11037046
FC: 9204 $130.00 CR

Adjustment date: 10/03/2006 SBASHEIR
10/12/2005 SLUANG1 00000015 194880 11037046
01 FC:1462 270.00 CR -130.00 DP

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Kevin D. McCarthy
Roach Brown McCarthy & Gruber, P.C.
1620 Liberty Building
420 Main Street
Buffalo NY 14202

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JUL 23 2007

OFFICE OF PETITIONS

In re Application of :
Cazzini et al. :
Application No. 11/037,067 : DECISION ON PETITION
Filed: January 17, 2005 :
Attorney Docket No. 0-04-155 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 2, 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 and the Notice of Allowability, 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 $700.00 and the publication fee of $300.00, (2) the petition fee of $750.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Christopher Bottorff at (571) 272-6052 or in is absence, the undersigned at (571) 272-7099.

This application is being referred to Publishing Division for processing into a patent.

David Bucci
Petitions Examiner
Office of Petitions

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BERENATO, WHITE & STAVISH, LLC
6550 ROCK SPRING DRIVE
SUITE 240
BETHESDA MD 20817

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JUN 0 8 2006

OFFICE OF PETITIONS

In re Application of :
CHERUKURI et al. :
Application No. 11/037,098 : DECISION ON PETITION
Filed: January 19, 2005 : TO WITHDRAW
Attorney Docket No. 6296.172 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 5, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Thomas Liniak. Mr. Thomas Liniak has been withdrawn as an 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 March 17, 2006 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4787.

Denise Pothier
Petitions Examiner
Office of Petitions

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KENYON & KENYON LLP
RIVERPARK TOWERS, SUITE 600
333 W. SAN CARLOS ST.
SAN JOSE, CA 95110

Mail Date: 04/21/2010

Applicant	: Guruprasad Srinivasamurthy	: DECISION ON REQUEST FOR
Patent Number	: 7610576	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/037,143	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/19/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **867** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.
11/037,159	01/19/2005	Tetsuo Soshiroda	264541US0	7445

22850 7590 05/05/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
IP, SIKYIN	

ART UNIT	PAPER NUMBER
1793	

NOTIFICATION DATE	DELIVERY MODE
05/05/2008	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):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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Mailed: 5-5-08

caf

In re application of :
SOSHIRODA et al. : DECISION ON
Serial No. 11/037,159 : PETITION
Filed: January 19, 2005 :
For: HIGH STRENGTH HOT ROLLED STEEL SHEET :
SUPERIOR IN WORKABILITY, FATIGUE PROPERTY, :
AND SURFACE QUALITY :

This is a decision on the PETITION UNDER 37 CFR 1.181 for reconsideration and withdrawal of the restriction requirement filed January 14, 2008.

On December 17, 2007, an office action was mailed containing a restriction requirement and an election by original presentation. The examiner stated that claims 1-7 were directed to an invention that is independent or distinct from the invention originally claimed. The examiner withdrew claims 1-7 as well as previously withdrawn claim 8, as being directed to a non-elected invention.

On January 14, 2008 the instant petition under 37 CFR 1.181 was timely filed to formally request that the examiner enter the restriction requirement be reconsidered and withdrawn

DECISION

In the present application, the examiner stated that amended claims 1-7 filed October 2, 2007 are directed to an invention that is independent or distinct from the invention originally claimed. The examiner alleged that claims 1-7 and the already examined claims are unrelated. Claims 1-8, all pending claims, were then withdrawn from consideration as being directed to non-elected inventions.

Petitioner argues that the amended claims fall within the originally elected invention. An analysis of the claims indicates that the originally filed claims are directed to a "hot-rolled steel...consisting essentially of ... C ... Mn ... Al ... P ... and Cr" in specific amounts. Amended claim 1 is identical except for the addition of the phrase "and wherein the high-strength hot-rolled steel sheet does not contain Nb and Ti". Thus the scope of amended claim 1 falls within examined claim 1.

The exclusion of these elements from claim 1 does not create an invention that is independent or distinct from the invention originally claimed. Petitioner is correct. The examiner has the burden of showing that the inventions are in fact distinct but in the instant case, such a showing has not been made.

Additionally, the examiner has not established that any serious burden exists to examine all of the claims as required by MPEP Section 803.

Accordingly, the restriction requirement as set forth in the office action of December 17, 2007 is improper and should be withdrawn. The instant petition is **GRANTED.** The examiner is directed to withdraw the requirement and prepare a new office action.

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

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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 Application of :
POULTNEY, Sherman K. :
Application No. 11/037,178 : DECISION GRANTING PETITION
Filed: January 19, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **1857.1570002** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 14, 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 October 15, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2872 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Monica A. Graves
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

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MAY 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Sherman K. Poultney	:	
Application No. 11/037,178	:	DECISION GRANTING PETITION
Filed: January 19, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1857.1570002	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 4, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 16, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 2872 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Shimizu et al.
Application No. 11/037,181
Filed: January 19, 2005
Attorney Docket Number: SHO-0104
Title of Invention: Lock Structure and Connector with Lock Mechanism of Lock Structure

This is a decision on the petition filed September 8, 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 March 24, 2006. The Notice of Allowance and Fee (s) Due set a three (3) month statutory period for reply. A supplemental Notice of Allowability was mailed on May 26, 2006. Extensions of time were not available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on June 25, 2006. A Notice of Abandonment was mailed on August 28, 2006.

The requirements for a grantable petition under 37 CFR 1.137(b) have been met. This petition is hereby **Granted**.

This application is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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BRUCE H. TROXELL
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH, VA 22041

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OFFICE OF PETITIONS

In re Application of Wang :
Application No. 11/037,201 : Decision on Petition
Filing Date: January 19, 2005 :
Attorney Docket No. BHT/3127-97 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 19, 2006, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance mailed May 19, 2006, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on August 20, 2006. A Notice of Abandonment was mailed on September 27, 2006.

The instant petition requests revival of the application.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

Technology Center Art Unit 2839 will be informed of the instant decision and the examiner will consider for entry the Rule 312 amendment filed October 19, 2006, in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA, VA 22182

Mail Date: 04/20/2010

Applicant	: Dong-Min Im	: DECISION ON REQUEST FOR
Patent Number	: 7601462	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/037,232	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/19/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1304** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH VA 22040-0747

In re Application of :
Hiroshi Inoue :
Application No. 11/037,264 : ON PETITION
Filed: January 19, 2005 :
Attorney Docket No. 0879-0509PUS1 :

This is a decision on the petition, filed September 12, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 9, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2861 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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Paper No. _____

Date : September 13, 2006

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) :Hiroshi Inoue
Application No. :11/037,264
Filed :January 19, 2005

The above-identified application has been assigned Patent No. 7,108,364 and an issue date of September 19, 2006.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of September 19, 2006:

"All reference to Patent No. 7,108,364 to Hiroshi Inoue of Japan for INKJET RECORDING APPARATUS appearing in the Official Gazette of September 19, 2006 should be deleted since no patent was granted."

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Paul Harrison, MDW-4B03,(FAX-273-5468)
Deneise Boyd, MDE-3D39 (FAX-273-5124)
Mary Louise McAskill, ST-8C15 (FAX 305-4372)
Niomi Farmer, ST-8C14 (FAX-305-4372)
Mary E. Johnson (Cookie), MDE-7C71 (FAX 273-0038
Duane Davis P/OPC MDE-7D89

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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Mail Date: 05/24/2010

Applicant	: Krzysztof Z. Siejko	: DECISION ON REQUEST FOR
Patent Number	: 7662104	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/037,275	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **850** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

FENNEMORE CRAIG
3003 NORTH CENTRAL AVENUE
SUITE 2600
PHOENIX AZ 85012

In re Application of :
R. Donald Evans :
Application No. 11/037,293 : DECISION ON PETITION
Filed: January 18, 2005 : TO WITHDRAW
Attorney Docket No. 16455.003 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 26, 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 Rodney J. Fuller on behalf of all attorneys of record who are associated with Customer No. 27887.

All attorneys/agents associated with the Customer No. 27887 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 R. Donald Evans at the address list listed in the request.

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 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: R. Donald Evans
15801 N. 60th Drive
Glendale, AZ 85306

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/037,293	01/18/2005	R. Donald Evans	16455.003

CONFIRMATION NO. 6821

POWER OF ATTORNEY NOTICE

27887
FENNEMORE CRAIG
3003 NORTH CENTRAL AVENUE
SUITE 2600
PHOENIX, AZ 85012

Date Mailed: 08/06/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/26/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
2101 L Street, NW
Washington DC 20037

In re Application of :
YAMAMOTO, KAZUTAKA :
Application No. 11/037,300 : DECISION ON PETITION
Filed: January 19, 2005 : TO MAKE SPECIAL
For: **INFORMATION RECORDING SCHEME FOR PREVENTING RECORDING FAILURE RESULTING FROM IMPACT OR VIBRATION** :

This is a decision on the petition filed January 19, 2005 under Manual of Patent Examination Procedure §708.02 VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:
(1) be filed prior to receiving any examination by the examiner,
(2) be accompanied by the required fee- $130,
(3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
(4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
(5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
(6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petitioner meets all the above-listed requirements. Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant. The application file is being forwarded to the examiner for appropriate action in due course.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications
571-272-2986

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MICHAEL J. STRIKER
103 EAST NECK ROAD
HUNTINGTON, NY 11743

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Peter Brix et al :
Application No. 11/037,325 :
Filed: January 18, 2005 :
Attorney Docket No. 2338A

This is a decision on the petition, filed October 3, 2005, which is being treated as a petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 26, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1755 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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VIDAS, ARRETT & STEINKRAUS, P.A.
SUITE 400
6640 SHADY OAK ROAD
EDEN PRAIRIE MN 55344

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MAR 15 2010

OFFICE OF PETITIONS

In re Application of	:	
Harris et al.	:	DECISION ON APPLICATION
Patent Number: 7,565,208	:	FOR PATENT TERM ADJUSTMENT
Issue Date: 07/21/2009	:	AND NOTICE OF INTENT TO ISSUE
Application No. 11/037342	:	CERTIFICATE OF CORRECTION
Filing or 371(c) Date: 01/19/2005	:	
Attorney Docket Number: S63.2P-13994-US03	:	

This is a decision on the petition filed on September 18, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand two hundred twenty (1220) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand two hundred twenty (1220) days is **GRANTED**.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of 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 **one thousand two hundred twenty (1220)** days.

Telephone inquiries specific to this matter should be directed to Attorney Derek Woods, at (571) 272-3232.

Alesia Brown
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,565,208 B2

DATED : **July 21, 2009**

INVENTOR(S) : Harris 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 717 days.

Delete the phrase "by 717 days" and insert – by 1220 days--

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OFFICE OF PETITIONS

In re Application of
Chiang et al
Application No.11/037,369
Filed: January 19, 2005
Attorney Docket Number: BHT-3228-192
Title of Invention: Aquatic Amusement Toy

ON PETITION

This is a decision on the petition filed October 4, 2006, under 37 CFR 1.137(b) to revive the above-identified application.

This application became abandoned for failure to timely submit the issue and publication fees, as required by the Notice of Allowance and Fee (s) Due which was mailed March 31 , 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 1, 2006. A Notice of Abandonment was mailed on August 1, 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
Petitions Attorney
Office of Petitions

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MORGAN, LEWIS & BOCKIUS, LLP. (PA)
2 PALO ALTO SQUARE
3000 EL CAMINO REAL, SUITE 700
PALO ALTO, CA 94306

Mail Date: 04/21/2010

Applicant	: Matthew L. Cooper	: DECISION ON REQUEST FOR
Patent Number	: 7640218	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/037,378	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/18/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1382** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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RG & ASSOCIATES
1103 TWIN CREEKS
STE. 120
ALLEN TX 75013

In re Application of
Myoung Chul Choi et al.
Application No. 11/037,388
Filed: January 18, 2005
Attorney Docket No. **AW0062005**

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 7, 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 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 an amendment, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 2618 for appropriate action by the Examiner in the normal course of business.

JoAnne Burke
Petitions Examiner
Office of Petitions

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MAGINOT, MOORE & BECK
BANK ONE TOWER
SUITE 300
111 MONUMENT CIRCLE
INDIANAPOLIS, IN 46204

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JUN 28 2005

OFFICE OF PETITIONS

In re Application of :
Jaafar Mejri :
Application No. 11/037,389 :
Filed: January 14, 2005 : ON PETITION
Attorney Docket No. :
1890-0183 :

This is a decision on the Petition to Withdraw Notice of Incomplete Reply for Non-Provisional Application, filed June 7, 2005. The petition is properly treated under 37 CFR 1.182.

The petition is **granted**.

The application was filed on January 14, 2005. On March 3, 2005, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application (hereinafter "Notice") stating that an application number and filing date had been accorded the application; however, the statutory basic filing fee and oath or declaration were missing from the application.

In response to the Notice, Applicant asserts that he filed, *inter alia*, an executed Declaration and Power of Attorney and the filing fee in this Office on May 5, 2005.

Thereafter, on May 17, 2005, this Office mailed to Applicant a Notice of Incomplete Reply asserting that the reply filed May 5, 2005 was incomplete because the oath/declaration was missing.

Applicant files the instant petition and asserts that the reply filed May 5, 2005 was a complete reply to the Notice, and requests withdrawal of the Notice of Incomplete Reply. In support of this assertion, Applicant provides a copy of a return-receipt postcard acknowledging receipt of, *inter alia*, an executed Declaration and Power of Attorney and the filing fee in the above-identified application by this Office on May 5, 2005.

A review of the return-receipt postcard reveals that Applicant is correct. The postcard acknowledges receipt of, *inter alia*, an

executed Declaration and Power of Attorney and the filing fee in the above-identified application by this Office on May 5, 20051.

"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.

Accordingly, the petition is granted.

The Notice of Incomplete Reply, mailed May 17, 2005, is hereby withdrawn.

The application file is being referred to the Office of Initial Patent Examination for correction of Office records to indicate that an Executed Declaration and Power of Attorney were filed in the above-identified application on May 5, 2005, using the copy of the Executed Declaration and Power of Attorney filed with the instant petition on June 7, 2005.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Petitions Attorney
Office of Petitions

[1] A review of the copy of Applicant's Response to Notice to File Missing Parts of Application also reveal that the Response was mailed with a Certificate of Mailing (37 CFR 1.8), dated May 3, 2005, as such, the response was timely.

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CAHN & SAMUELS LLP
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WASHINGTON DC 20036

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OFFICE OF PETITIONS

In re Application of	:	
Miller et al.	:	
Application No. 11/037,391	:	ON PETITION
Filed: 19 January, 2005	:	
Atty Docket No. 377.0020	:	

This is a decision on the petition under 37 CFR 1.182 filed on 22 February, 2005.

The petition is **dismissed**.

Petitioners maintain that on 18 January, 2005, the above-identified application was deposited in a drop box at the South Tower building in Crystal City, Virginia that was designed by the Patent and Trademark Office as a satellite drop location by a notice in the 1 February, 2005, issue of the *Official Gazette*. Despite being put in the drop box on 18 January, 2005, the application was accorded a filing date of 19 January, 2005. Petitioners are requesting that the application be accorded a filing date of 18 January, 2005, as that was allegedly the date the application was placed in the South Tower drop box.

The argument has been considered, but is not persuasive. In order to receive a filing date as of the date of deposit, rather than the date the application is actually received by the Office, petitioners would have had to have filed the application pursuant to 37 CFR 1.10 utilizing the United States Postal Service, Express Mail Service or provide other *prima facie* evidence that the filing date accorded the application was incorrect. Such *prima facie* evidence would consist of an Office-date stamped

postcard whereby the Office acknowledged receipt of the application on a particular date. The notice provided in the 1 February, 2005, *Official Gazette* clearly states that "[n]o postcard receipts will be stamped at the time of drop off ..."; it is, therefore, implied that the customer is willing to accept a filing date for the correspondence, potentially, other than the date the correspondence was deposited. The South Tower drop box can be considered a convenience to customers, however; before the using the South Tower drop box customers should consider the implication of no postcard receipts being stamped at that location.

Without having filed the application pursuant to 37 CFR 1.10 or having an Office date-stamped postcard receipt, petitioners are not able to provide *prima facie* evidence that the application should have been accorded a filing date of 18 January, 2005. The petition is dismissed, accordingly.

Petitioners are advised that the Office of Patent Legal Administration was consulted prior to rendering this decision.

As the petition was necessitated by petitioners' error, the amount of $130.00 will not be refunded. Petitioners are further advised that the fee for the instant petition is $400.00, effective 8 December, 2004. As there was not authorization to charge a deposit account for the deficient amount, petitioners are expected to remit the amount of $270.00 to the Patent and Trademark Office, in due course.

The application is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of 19 January, 2005.

Telephone inquires should be directed to the undersigned at 571-272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/037,418	01/18/2005	2876	1200	T634.135.101	6	20	4

CONFIRMATION NO. 7841

CORRECTED FILING RECEIPT

OC000000015720041

025281
DICKE, BILLIG & CZAJA, P.L.L.C.
FIFTH STREET TOWERS
100 SOUTH FIFTH STREET, SUITE 2250
MINNEAPOLIS, MN 55402

Date Mailed: 04/13/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Ted C. Halbur, Lino Lakes, MN;
Travis M. Robertson, Minneapolis, MN;
Amy Lauer, Minneapolis, MN;

Assignment For Published Patent Application

TARGET BRANDS, INC.

Power of Attorney: The patent practitioners associated with Customer Number **025281**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 02/28/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/037,418

Projected Publication Date: 07/20/2006

Non-Publication Request: No

Early Publication Request: No

Title

Stored-value card with game

Preliminary Class

235

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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KONRAD RAYNES & VICTOR, LLP.
ATTN: IBM37
315 SOUTH BEVERLY DRIVE, SUITE 210
BEVERLY HILLS, CA 90212

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OFFICE OF PETITIONS

In re Application of	:	
Aschoff et al.	:	
Application No. 11/037,421	:	ON PETITION
Filed: January 18, 2005	:	
Attorney Docket No. SJO920040063US1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 14, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 11, 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 12, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,540, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center 2186 for further examination on the merits.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

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OFFICE OF PETITIONS

In re Patent No. 7,466,100	:	
Mueller et al.	:	DECISION DISMISSING
Application No. 11/037,427	:	REQUEST FOR
Issue Date: December 16, 2008	:	RECONSIDERATION OF
Filed: January 17, 2005	:	PATENT TERM ADJUSTMENT
Attorney Docket No.	:	UNDER 37 CFR 1.705
4255-000004	:	

This is in response to the PETITION UNDER RULE 1.705, filed on February 3, 2009, which is treated as an application for patent term adjustment under 37 CFR 1.705(d). Patentee requests that the determination of patent term adjustment be corrected from four hundred thirty-five (435) days to seven hundred sixty-nine (769) days.

The request for reconsideration of patent term adjustment is **DISMISSED** with respect to making any change in the patent term adjustment determination under 35 U.S.C. § 154(b) of 435 days.

BACKGROUND

This application was filed on January 17, 2005. On February 14, 2008, the Office mailed a notice that the initial determination of patent term adjustment under 35 U.S.C. 154(b) to date is 328 days[1]. On December 16, 2008, the application matured into U.S. Patent No. 7,466,100, with a revised patent term adjustment of 435 days. The Office determined that the 6 days of Office delay

[1] No request for reconsideration of this initial determination was filed.

pursuant to 35 U.S.C. 154(b)(1)(B) and 37 CFR 1.702(b)[2,3] overlaps with the 350 days of Office delay prior to the filing of the RCE pursuant to 35 U.S.C. 154(b)(1)(A) and 37 CFR 1.702(a)(1)[4,5]. An additional adjustment of 148 days of Office delay subsequent to the filing of the RCE was entered pursuant to 37 CFR 1.702(a)(4).[6] No additional days of patent term adjustment were entered at issuance under the three-year

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[2] Pursuant to 35 U.S.C. 154(b)(1)(B), 37 CFR 1.702(b) provides, in pertinent part, that:

> 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:
>
> (i) any time consumed by continued examination of the application requested by the applicant under section 132(b).

[3] As of the filing of the RCE on January 23, 2008, the application was pending three years and six (6) days.

[4] 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;
>
> ...
>
> (4) Issue a patent not later than four months after the date on which the issue fee was paid under 35 U.S.C. 151 and all outstanding requirements were satisfied.

[5] A first Office action was not mailed until March 2, 2007, fourteen months and 350 days after the application filing date, January 17, 2005.

[6] See Note 4, supra. The patent was not issued until December 16, 2008, four months and 148 days after payment of the issue fee on March 21, 2008.

pendency provision. Given the applicant delay of 63 days,[7] the patent issued with a revised patent term adjustment of 435 (498 - 63) days.

On February 3, 2009, patentee timely submitted this request for reconsideration of patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 769 days under the court's interpretation of the overlap provision as set forth in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentee states that "since the present Patent did not issue within 36 months (January 17, 2008). The corrected Patent Term Adjustment should now equal 769 days."

OPINION

Preliminarily, it is noted that patentee asserts that the period of Office delay under 35 U.S.C. 154(b)(1)(B) and 37 CFR 1.702(b) is the period from the date three years from the filing of the application until the date the application issued as a patent. Patentee is reminded, however, that the period of adjustment under 35 U.S.C. 154(b)(1)(B) and 37 CFR 1.702(b) does not include any time consumed by continued examination under 35 U.S.C. 132(b). See 35 U.S.C. 154(b)(1)(B)(i) and 37 CFR 1.702(b)(1). As a request for continued examination was filed on January 23, 2008, the period for accruing patent term adjustment under 37 CFR 1.702(b) ended as of the date of the filing of the request for continued examination, or January 23, 2008. The period of delay under 37 CFR 1.702(b) is the period from January 17, 2008, or three years from the filing date of the application, to the filing of the request for continued examination on January 23, 2008, or six (6) days, rather than 334 days.

Patentee's interpretation of the period of overlap has been considered, but found inconsistent with the Office's interpretation of the overlap provision, 35 U.S.C. 154(b)(2)(A). 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

[7] Pursuant to 37 CFR 1.704(b), a reduction of 63 days was entered for filing an RCE on January 23, 2008, three (3) months and 63 days after the mailing of a final rejection on August 21, 2007.

> any adjustment granted under this subsection 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)*[8] *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).

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[8] 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.

Further, 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 (or, in an international application, the date that the national stage commenced under 35 U.S.C. 371(b) or (f), 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 ground 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 granted as follows: (1) To the extent that there are multiple grounds for extending the term of a paten 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[9]

[9] 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 incorporated language) of S. 1948. A section-by-section analysis of S. 1948, however, was printed in the Congressional Record

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.

It is noted, however, that delays resulting in the Office's failure to meet the time frames specified in 35 U.S.C. 154(b)(1)(A) (the "fourteen-four-four-four-" provisions) are not always overlapping with a delay resulting in the Office's failure to issue a patent within the three-year time frame specified in 35 U.S.C. 154(b)(1)(B) because not all application pendency time is counted toward this three-year period. See 35 U.S.C. 154(b)(1)(B)(i)-(iii).

In this instance, all application pendency time is not counted toward the three-year period. A request for continued examination was filed on January 23, 2008. The period subsequent to the filing of the RCE is not included in the three-year time frame specified in 35 U.S.C. 154(b)(1)(B). See 35 U.S.C. 154(b)(1)(B)(i). Thus, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether the periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the period from the filing of the application on January 17, 2005, to the filing of the RCE, on January 23, 2008. Thus, only the 350 days of patent term adjustment accorded prior to the filing of the RCE for the Office failing to respond within specified time frames is considered in determining overlap. The 148 days for Office delay occurring subsequent to the filing of the RCE is not considered.

The six (6) days attributed to Office delay pursuant to 37 CFR 1.702(b) for failure to issue the patent within three years is determined to overlap with the 350 days attributed to Office delay pursuant to 37 CFR 1.702(a)(1). Accordingly, at issuance, the Office properly entered no additional days of patent term adjustment for the Office taking in excess of 3 years to issue the patent. 498 (350 + 148) days was determined to be the actual number of days the issuance of the patent was delayed.

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at the request of Senator Lott, See 145 Cong. Reg. S14,708-26 (1999) (daily ed. Nov. 17, 1999).

CONCLUSION

In view thereof, the Office affirms that the correct revised determination of patent term adjustment at the time of the issuance of the patent is 435 (498 - 63) days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to Senior Petitions Attorney Douglas I. Wood, at (571) 272-3231.

Christina Tartera Donnell for

Anthony Knight
Supervisor
Office of Petitions

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P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

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OFFICE OF PETITIONS

In re Patent No. 7,466,100	:	DECISION ON REQUEST
Mueller et al.	:	FOR
Application No. 11/037,427	:	RECONSIDERATION OF
Issue Date: 12/16/2008	:	PATENT TERM ADJUSTMENT
Filed: 01/17/2005	:	and
Attorney Docket No.	:	NOTICE OF INTENT TO ISSUE
4255-000004	:	CERTIFICATE OF CORRECTION

This is in response to the REQUEST FOR RECONSIDERATION OF PETITION UNDER RULE 1.705, filed on September 29, 2009. The petition is treated as a request for reconsideration of the decision mailed on September 1, 2009, in response to the petition filed on February 3, 2009, requesting that the patent term adjustment be corrected by 334 days from 435 days to 769 days. For the reasons stated below, the petition is treated as a request that the term of the above-identified be extended or adjusted by four hundred forty (440) 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 four hundred forty (440) days is **GRANTED to the extent indicated herein.**

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on January 18, 2008 and ends on January 22, 2008, the day before the RCE was filed and is five (5) (not 334) days. See 35 U.S.C. 154(b)(1)(B)(i). As such, the patent term adjustment is 440, not 769 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **four hundred forty (440)** days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,466,100 B2

DATED : **December 16, 2008** **DRAFT**

INVENTOR(S) : Mueller 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 435 days.

Delete the phrase "by 435 days" and insert – by 440 days--

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HOWARD EISENBERG, ESQ.
2206 APPLEWOOD COURT
PERKASIE PA 18944

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OFFICE OF PETITIONS

In re Application of :
Yunik Chang et al. :
Application No. 11/037,430 : DECISION ON PETITION
Filed: January 18, 2005 : TO MAKE SPECIAL UNDER
Attorney Docket No. 767.0067 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 28, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a signed Declaration under 37 C.F.R 1.102(c)(1) stating that at least one applicant, Gordon Dow, is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Charles Smoot at 571-272-3299.

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 1623 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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NATIONAL CITY BANK BUILDING
629 EUCLID AVE., SUITE 1210
CLEVELAND, OH 44114

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OFFICE OF PETITIONS

In re Application of :
Randolph, et al. :
Application No. 11/037,477 : ON PETITION
Filed: January 18, 2005 :
Attorney Docket No. AF01453 :

This is a decision on the papers styled, "Petition to Accept Page One (1) Based on Deposit of Said Page in the U.S. Patent and Trademark Office With Nonprovisional Application Papers Under 37 CFR 1.17(f)," filed July 11, 2005, which has been treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of January 18, 2005, including page 1 of the specification.

The application was filed on January 18, 2005. However, on May 17, 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 1 of the specification appears to have been omitted.

In response, on July 11, 2005, the instant petition and a copy of page 1 of the specification were submitted. The instant petition is accompanied by a copy of applicants' postcard receipt that acknowledges receipt of "32 Pages of Specification" on January 18, 2005. A review of the application file indicates the presence of thirty-one (31) pages of specification. It is assumed that page 1 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 January 18, 2005, using the copy of page 1 of the specification, supplied on July 11, 2005.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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W. ERIC BOYD, ESQ.
IRVINE SENSORS CORP.
3001 REDHILL AVENUE, BUILDING 4
SUITE 108
COSTA MESA, CA 92626

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MAR 26 2007
OFFICE OF PETITIONS

In re Application of :
Carlson et al. :
Application No. 11/037490 :
Filing or 371(c) Date: 01/18/2005 :
Attorney Docket Number: :
ISC-121A : ON PETITION

This is a decision on the "Petititon Under 37 C.F.R. § 1.181(a) to Withdraw Holding of Abandonment Based on Prima Facie Evidence of Timely Filing of a Response to Office Action (37 CFR 1.181(b)", filed November 27, 2006. The delay in treating this petition is regretted.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed March 8, 2006[1]. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No response having been received, the application became abandoned on June 9, 2006. A Notice of Abandonment was mailed November 16, 2006.

Applicant's Assertion

Applicant files the instant petition and asserts that a timely reply to the Office action, including an amended terminal disclaimer, was filed on March 23, 2006. In support of this assertion applicant files a copy of the reply, along with a copy of his return-receipt postcard which acknowledges receipt by this Office of an amended terminal disclaimer, power of attorney, statement under 37 CFR 3.73b and copy of assignment for serial number 10/347,038 on March 23, 2006.

A review of Office records also reveals that the Office received an amended terminal disclaimer, power of attorney, statement under 37 CFR 3.73b and copy of assignment for serial number 10/347,038 on March 23, 2006.

[1] The Notice of Abandonment incorrectly states that the application became abandoned for failure to reply to the Office communication mailed March 23, 2006.

In View of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 2819 for processing of the Reply, and for continued processing in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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WOLF GREENFIELD & SACKS, PC
FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON MA 02210-2211

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JUN 07 2005

OFFICE OF PETITIONS

In re Application of :
Nicholas G. Lazaris et al. :
Application No. 11/037,501 : DECISION GRANTING PETITION
Filed: January 18, 2005 :
Att'y Docket No. 6628 CON :

This is a decision on the petition for entitlement to filing date, filed May 25, 2005, in response to the Notice of Incomplete Nonprovisional Application mailed April 27, 2005, requesting that the above identified application be accorded a filing date of January 18, 2005. The petition is treated under 37 CFR 1.53.

On January 18, 2005, the application was filed.

On April 27, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" stating that the application had not been accorded a filing date 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, on May 25, 2005 the present petition, and 1 sheet of drawings were filed. Petitioners argue that 1 sheet of drawings was filed with the other application papers on January 18, 2005. In support, a copy of petitioner's postcard receipt which shows an official USPTO date-stamp of January 18, 2005, and the above-identified application number, and acknowledges receipt of, *inter alia*, 1 sheet of drawings, was supplied with the present petition. Petitioner requests that the application, including 1 sheet of drawings, be accorded a filing date of January 18, 2005.

Upon review of the record, no sheets of drawings deposited on January 18, 2005, have been located among the application papers. However, the evidence is convincing that the application papers deposited on January 18, 2005, included 1 sheet of drawings, which were subsequently misplaced in the USPTO. Therefore, the application, including the 1 sheet of drawings, was complete on filing and entitled to a filing date of January 18, 2005.

In view of the above, the petition is **GRANTED**.

The Notice of Incomplete Nonprovisional Application mailed April 27, 2005, is withdrawn. Therefore, no petition fee is due and none has been charged.

The application is being returned to the Office of Initial Patent Examination for reprocessing with a filing date of January 18, 2005, using the application papers filed on January 18, 2005 and the 1 sheet of drawings supplied on May 25, 2005.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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Paper No.

MCCARTHY TETRAULT LLP
SUITE 4700
TORONTO DOMINION BANK TOWER
66 WELLINGTON ST.
TORONTO ON M5K 1E6
CANADA

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SEP 22 2009

OFFICE OF PETITIONS

In re Patent No. 7,465,374	:	
Antonio Porco	:	DECISION ON REQUEST
Issue Date: December 16, 2008	:	FOR RECONSIDERATION OF
Application No. 11/037,517	:	PATENT TERM ADJUSTMENT
Filed: January 19, 2005	:	and
Attorney Docket No. 193878-357494	:	NOTICE OF INTENT TO ISSUE
	:	CERTIFICATE OF CORRECTION

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 35 U.S.C. 154(B)," filed on January 2, 2009. Patentee requests that the Patent Term Adjustment for the above-identified patent be increased by forty-one (41) days from 304 days to 345 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 three hundred forty-five (345) days.

On December 16, 2008, the above-identified application matured into U.S. Patent No. 7,465,374. The instant request for

reconsideration filed on January 2, 2009 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 304 days.

Patentee contends that the reduction in patent term adjustment of 41 days for the filing of a request to accept foreign priority papers after the mailing of a notice of allowance, from the date the request to accept foreign priority papers was filed to the date a letter acknowledging receipt of the foreign priority papers was mailed, on November 6, 2008, is incorrect and should be removed. Specifically, patentee asserts that no request to accept foreign priority documents was filed after the mailing of the notice of allowance. Rather, asserts patentee, the priority papers were filed on April 14, 2005, prior to the mailing of the first office action, mailed on May 25, 2007, but receipt thereof was not acknowledged prior to the mailing of the letter of November 6, 2008.

Patentee's contention is well taken. Upon review of the official file no priority document were filed after the mailing of the notice of allowance. Rather, the priority document was filed on August 14, 2005, prior to the mailing of the first office action, but was first acknowledged in the paper mailed on November 25, 2008. Accordingly, the reduction of 41 days for filing of priority papers after the mailing of the notice of allowance is not warranted and will be removed.

In view thereof, the patent term adjustment indicated on the patent should be three hundred forty-five (345) days (432 days of Office delay and 87 (128-41) days of applicant delay).

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 referred to the Certificate of Correction Branch for issuance of a certificate of correction 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 THREE HUNDRED FORTY-FIVE (345) 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

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,465,374 B2

DATED : December 16, 2008

INVENTOR(S) : Antonio Porco

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 (304) days

Delete the phrase "by 304 days" and insert – by 345 days--

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OFFICE OF PETITIONS

QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE, WI 53202-4497

In re Application of
Dirk Hamm, et al.
Application No. 11/037,520
Filed: January 18, 2005
Attorney Docket No. 460868.00027

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 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, "we were requested by our foreign associate initially requesting we file this application to incur no further charges", does not meet any the of conditions set forth in 37 CFR 10.40.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary

evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number). The power of attorney filed on October 5, 2006, does not include the reel and frame number or a proper chain of title.

There are no pending office actions at the present time.

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: SUCCESS CHIP LTD.
C/O BEHRINGER HOLDINGS (PTE) LTD.
1 KIM SENG PROMENADE #08-08
GREAT WORLD CITY WEST TOWER
SINGAPORE 237994

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STOEL RIVES LLP
900 SW FIFTH AVENUE
SUITE 2600
PORTLAND OR 97204-1268

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DEC 15 2006

OFFICE OF PETITIONS

In re Application of :
Dirk Hamm, et al. :
Application No. 11/037,520 : DECISION ON REQUEST FOR
Filed: January 18, 2005 : REVOCATION OF POWER
Attorney Docket No. 31181/709 : OF ATTORNEY
:

This is a decision on the Request to Revoke the attorney or agent of record under 37 C.F.R. § 1.36(a), filed October 05, 2006.

The request is **NOT APPROVED**.

A power of attorney, pursuant to § 1.32(b), may be revoked at any stage in the proceeding of a case by an applicant for patent (§ 1.41(b)) or an assignee of the entire interest of the applicant under § 3.71(b). Fewer than all of the applicants (or by fewer than the assignee of the entire interest of the applicant) may only revoke the power of attorney upon a showing of sufficient cause, and payment of the petition fee set forth § 1.17(h). For the assignee to take action a proper statement under § 3.73(b) is required.

The request cannot be approved because the statement under 3.73(b) is not proper or no statement under 3.73(b) was filed.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number). The power of attorney filed on October 5, 2006 does not include the reel and frame or a proper chain of title.

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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BRIARCLIFF MANOR NY 10510

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OFFICE OF PETITIONS

In re Application of
Aylsworth et al.
Application No. 11/037,523
Filed: January 18, 2005
Attorney Docket No. 2230-01100

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 20, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office action mailed September 28, 2009. The Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on December 29, 2009. A Notice of Abandonment was mailed on April 29, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment (2) the petition fee of $1620.00, and (3) a statement of unintentional delay.

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). In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR §1.137(b) was unintentional, petitioner must notify the Office.

The power of attorney and change of address submitted on petition has been entered and made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 3771 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant
Petitions Attorney
Office of Petitions

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150 S. WACKER DRIVE
SUITE 2100
CHICAGO, IL 60606

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OFFICE OF PETITIONS

In re Application of :
John J. Savaglio, et al. : DECISION ON PETITION
Application No. 11/037,524 : UNDER 37 CFR 1.78(a)(3)
Filed: January 18, 2005 :
Attorney Docket No. AMT-9903C3 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 13, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled

to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Sherry D. Brinkley 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 referred to Technology Center Art Unit 2614 for consideration by the examiner of the amendment filed July 13, 2006, including applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Frances M. Hicks
Lead, Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/037,524	01/18/2005	2614	1000	AMT-9903C3	4	18	3

CONFIRMATION NO. 5462

34431
HANLEY, FLIGHT & ZIMMERMAN, LLC
150 S. WACKER DRIVE
SUITE 2100
CHICAGO, IL 60606

CORRECTED FILING RECEIPT

OC000000022344658

OC000000022344658

Date Mailed: 02/06/2007

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)

John Joseph Savaglio, Oak Lawn, IL;
Richard Bruce Fowler, Naperville, IL;

Power of Attorney: The patent practitioners associated with Customer Number **34431**.

Domestic Priority data as claimed by applicant

This application is a CON of 10/635,132 08/06/2003 PAT 6,950,499
which is a CON of 10/278,602 10/23/2002 PAT 6,650,733
which is a CON of 10/093,749 03/08/2002 PAT 6,501,831
which is a CON of 09/642,430 08/21/2000 PAT 6,415,019

Foreign Applications

If Required, Foreign Filing License Granted: 03/01/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is
US11/037,524

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Method of Providing 911 Service

Preliminary Class

379

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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Mr. Christopher John Rourk
Jackson Walker LLP
901 Main Street, Suite 6000
DALLAS, TX 75202

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AUG 18 2006
OFFICE OF PETITIONS

In re Application of :
Abbas Komijani, et al. :
Application No. 11/037,527 : ON PETITION
Filed: January 18, 2005 :
Attorney Docket No. 13641.0080 :

This is a decision on the petition, filed April 3, 2006, to revive the above-identified application under 37 CFR 1.137(b).

The petition is granted.

The application became abandoned for a failure to pay the issue fee on or before March 29, 2006 This decision precedes the mailing of a Notice of Abandonment.

Receipt is acknowledged of the issue fee of $700 and the publication fee of $300, as well as Form PTOL-85(b) on April 3, 2006.

The application is being referred to Publishing Division for further processing.

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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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

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MAR 16 2010

In re Application of
Koichi Miyachi, et al.
Application No. 11/037,546
Filed: January 19, 2005
Attorney Docket No. 1035-566

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 March 16, 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 7, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2883 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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Commissioner for Patents
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Robert D. Buyan
Stout, Uxa, Buyan & Mullins, LLP
Suite 300
4 Venture
Irvine, CA 92618

In re Application of: Chang et al.)
Application No. 11/037,548)
Attorney Docket No. ACLRT-021B) **DECISION ON PETITION UNDER 37**
Filed: January 18, 2005) **CFR §1.91**
For: DEVICES, SYSTEMS AND)
METHODS FOR TREATING DISORDERS)
OF THE EAR, NOSE AND THROAT)

This is a decision on the petition filed January 29, 2008 under 37 CFR § 1.91 requesting the admission and consideration of video files which have been submitted to the Office on video discs (DVDs). The petitioners have submitted these files as secondary evidence of non-obviousness to rebut the examiner's *prima facie* finding of obviousness in the Office action mailed October 18, 2007. Petitioners have also submitted a fee for $130.00.

The petition is dismissed.

Background and Issues

Examiner's non-final Office action contains a prior art rejection. From the record, an interview was held with applicants' representatives on December 4, 2007. In response to these communications, applicants have submitted an amendment along with attorney's arguments, affidavits and video files that are identified as containing "evidence of commercial success, industry recognition, long felt need in the art and laudatory statements regarding the invention."

Petitioners argue the Office must consider secondary evidence of non-obviousness and that these video files are necessary because they contain both audio and video. By viewing and listening to the video files, "the examiner will be able to duly consider the secondary evidence..." Further, "these video files cannot reasonably be submitted in the form of written documents."

Decision

While the petitioners have addressed this request as a petition under 37 CFR § 1.91, it actually is one part of a submission under 37 CFR § 1.132, *Affidavits or declarations traversing rejections or objections*. The guidelines set forth in Manual for Patent Examining Procedure (MPEP)

716.01 (b) state there must be some evidence that the evidence is relevant to the subject matter as claimed and "the examiner must determine whether there is a nexus between the merits of the claimed invention and the evidence of secondary considerations. *Ashland Oil, Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 281, 305 n.42, 227 USPQ 657, 673-674 n. 42 (Fed. Cir. 1985), *cert. denied*, 475 U.S. 1017 (1986)." There must be a "legally sufficient connection between the objective evidence of nonobviousness and the claimed invention so that the evidence is of probative value in the determination of nonobviousness. *Demaco Corp. v. F. Von Langsdorff Licensing Ltd.*, 851 F.2d 1387, 7 USPQ2d 1222 (Fed. Cir.), *cert. denied*, 488 U.S. 956 (1988)." (Emphasis added.)

As the petitioners have noted, the submitted video files are primarily broadcast news items. Petitioners also state that "[s]ome of the physicians interviewed in these videos are or have been consultants to Acclarent, Inc.", which is the assignee of the invention under examination. From these statements, it appears the submissions are opinion pieces by persons who had/have some potential interest in the outcome of the case. Petitioners have not established the submitted video constitutes sworn legal testimony nor have they established the qualifications of the persons interviewed are either experts or ones skilled in the art. Therefore, it appears the DVDs contain opinions, but not opinion evidence as defined in MPEP § 716.01(c) (III).

If petitioners were to establish the DVD content as being opinion evidence, the submission must comply with 37 CFR § 1.91, *Models or exhibits not generally admitted as part of application or patent*. This rules, reads in pertinent part as follows:

> (a) A model or exhibit will not be admitted as part of the record of an application unless it:
> ****
> (3) Is filed with a petition under this section including:
> (i) The fee set forth in § 1.17(h); and
> (ii) An explanation of why entry of the model or exhibit in the file record is necessary to demonstrate patentability.

MPEP 608.03 goes on to explain that a video or DVD filed with a petition under Rule 91(a)(3) must be submitted with "photographs of what is depicted in the video or DVD (the content of the material such as a still image single frame of a movie) and not a photograph of a video cassette, DVD disc or compact disc." The petitioners have failed to meet the requirements set forth above regarding the filing of the DVDs.

The petition is **dismissed**.

The examiner will be instructed to disregard the content of the filing of January 29, 2008.

Any inquiry regarding this decision may be directed to the Josie Ballato, Special Program Examiner at (571) 272-3567.

Karen M. Young

for Frederick R. Schmidt
Director
Technology Center 3700
Mechanical Engineering, Manufacturing, Products and Designs