



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

OGILVY RENAULT LLP
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL QC H3A2Y-3 CA CANADA

COPY MAILED

JUN 14 2005

OFFICE OF PETITIONS

In re Application of
Robert Katz et al.
Application No. 11/053,860
Filed: May 9, 2005
Attorney Docket No. 17314-1us
PTN/df
Title: PROTECTIVE MASK WITH
REMOVABLE LENS

DECISION ON PETITION

This is a decision on the petition filed May 9, 2005.

On February 10, 2005, the above-identified application was deposited. On March 14, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Items in a Non-provisional Application - Filing Date Granted (notice)", advising applicant that Figures 4A and 4B appeared to have been omitted. The Notice set a two-month period for response.

On May 9, 2005, Petitioner submitted a petition, along with Figures 1, 2, 3, 4A, and 4B, payment of the petition fee, and a supplemental declaration. Based on this petition, it is clear that Petitioner accepts the date of deposit of the formerly omitted drawings as the filing date.

The petition is **GRANTED**.

The Office of Initial Patent Examination will be advised to process this application with a filing date of May 9, 2005, the date of receipt of the formerly omitted items, Figures 4A and 4B, using the original application papers filed February 10, 2005, as

well as Figures 4A and 4B, submitted with the petition on May 9, 2005. **OIPE will then mail a corrected filing receipt.**

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



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



**FOX ROTHSCHILD LLP
CIRC PHARMA LIMITED
2000 MARKET STREET
10TH FLOOR
PHILADELPHIA PA 19103**

COPY MAILED

APR 22 2009

OFFICE OF PETITIONS

In re Application of :
John DEVANE et al. :
Application No. 11/053,865 : **DECISION ON PETITION**
Filed: February 10, 2005 :
Attorney Docket No. **33976.00027** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 16, 2009, to revive the above-identified application.

The petition is **GRANTED**.

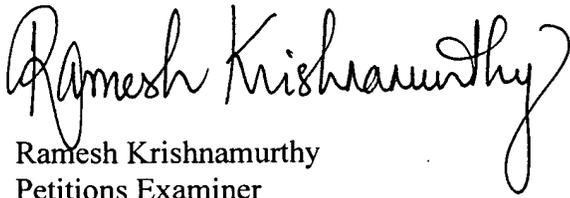
The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 29, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 30, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1620, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of July 29, 2008 is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1110 extension of time fee submitted with the petition on March 16, 2009 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 Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 1614 for appropriate action on the concurrently filed amendment.

A handwritten signature in black ink, reading "Ramesh Krishnamurthy". The signature is written in a cursive style with a large initial 'R' and a long, sweeping tail on the 'y'.

Ramesh Krishnamurthy
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

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

MAIL
OCT 10 2008
DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
OHSAWA, SEIJI	:	DECISION ON REQUEST TO
Application No. 11/053,913	:	PARTICIPATE IN PATENT
Filed: February 10, 2005	:	PROSECUTION HIGHWAY
Attorney Docket No. 2008-1133A	:	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) program and the petition under 37 CFR 1.102(d), filed August 12, 2008, to make the above-identified application special.

The request and petition are **DISMISSED AS MOOT**.

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

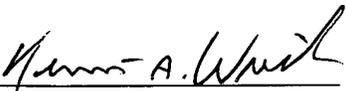
- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation 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 program and petition is deemed moot as the application has been issued on September 16, 2008.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

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.


Kenneth Wieder
Quality Assurance Specialist
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

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

COPY MAILED

JUN 01 2005

OFFICE OF PETITIONS

In re Application of :
Nobuyuki Ozaki : DECISION GRANTED
Application No. 11/053,947 :
Deposited: February 10, 2005 :
Attorney Docket No.: 09108.0006 :

This is a decision on the "Petition under 37 CFR 1.53(e)(2) and Response to Notice of Incomplete Nonprovisional Application" filed March 30, 2005, requesting that the above-identified application be accorded the filing date of February 10, 2005.

Application papers in the above-identified application were deposited on February 10, 2005. However, on March 16, 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 drawings.¹

In response, 9 sheets of drawings, including figures 1-12 and the present petition were filed on March 30, 2005. The petition contends that the application as filed included 9 sheets of drawings and were described in the original filed specification. In support, the petition is accompanied by a copy of applicant's postcard receipt which acknowledges receipt in the office of "Drawings-9 sheets of formal drawings containing 12 figures" on February 10, 2005.

Applicant's postcard receipt is prima facie² evidence that the

¹See 35 U.S.C. 111(a)(4)

²A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of

drawings were received on February 10, 2005. A review of the official file shows the 9 sheets of drawings containing figures 1-12 have been located.

The petition is Granted. The \$400.00 petition fee will be refunded to deposit account 06-0916.

Since the original drawings have been located, they will be used for processing and examination purposes.

It is noted that the Notice of Missing Parts also required the submission of an executed oath or declaration pursuant to 37 CFR 1.63. A review of the file shows that an oath or declaration has not been submitted as of the date of this decision.

The application will be returned to the Office of Initial Patent Examination for further processing with a **filing date of February 10, 2005**, using the 9 sheets of drawings supplied on that day.

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



Charlema R. Grant
Petition Attorney
Office of Petitions

receipt in the office of all items listed thereon. See MPEP 503.



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

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

MAILED
MAR 15 2010
OFFICE OF PETITIONS

In re Application of : DECISION ON
Ozaki : APPLICATION FOR
Patent Number: 7,570,280 : PATENT TERM ADJUSTMENT
Issue Date: 08/04/2009 : and
Application No. 11/053947 : NOTICE OF INTENT TO ISSUE
Filing or 371(c) Date: 02/10/2005 : CERTIFICATE OF CORRECTION
Attorney Docket Number: 09108.0006 :

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705(d), filed September 17, 2009, 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 twelve hundred twelve (1212) 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 twelve hundred twelve (1212) 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 **twelve hundred twelve (1212) days**.

Telephone inquiries specific to this matter should be directed to Attorney Derek Woods, at (571) 272-3232.

/ALESIA M. BROWN/

Alesia Brown
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,570,280 B2

DATED : August 4, 2009

INVENTOR(S) : Ozaki

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 973 days.

Delete the phrase "by 973 days" and insert – by 1212 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

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

Mail Date: 04/21/2010

Applicant : Nobuyuki Ozaki : DECISION ON REQUEST FOR
Patent Number : 7570280 : RECALCULATION of PATENT
Issue Date : 08/04/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/053,947 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/10/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **1451** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

FEB 17 2009

In re Application of :
S. Nakamura :
Application No. 11/053, 951 :
Filed: February 10, 2005 :
Attorney Docket No. 00862.002473.1 :

OFFICE OF PETITIONS
DECISION ON PETITION

This is a decision on the petition, filed January 12, 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 May 22, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on December 11, 2008.

Petitioner asserts that the Office action dated May 22, 2008 was not received.

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

1. a statement from practitioner stating that the Office action was not received by the practitioner. The statement should also describe the system used for recording an Office action received at the correspondence address of record and establish that the docketing system was sufficiently reliable;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and
3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement. If no master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question

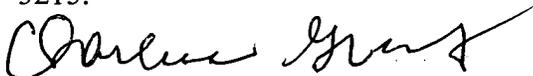
See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

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

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

This application is being referred to the Technology Center technical support staff of Art Unit 2452 for re-mailing the Office action of May 22, 2008. The period for reply will run from the mailing date of the Office action.

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



Charlema Grant
Petitions Attorney
Office of Petitions



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.

LYONDELL CHEMICAL COMPANY
3801 WEST CHESTER PIKE
NEWTOWN SQUARE PA 19073

COPY MAILED

AUG 31 2007

OFFICE OF PETITIONS

In re Application of :
Breese et al. : DECISION ON PETITION
Application No. 11/053,962 :
Filed: February 9, 2005 :
Atty Docket No. 88-2099A :

This is a decision on the PETITION UNDER 37 C.F.R. §1.181(b) TO WITHDRAW HOLDING OF ABANDONMENT BASED ON EVIDENCE THAT A REPLY WAS TIMELY MAILED filed May 14, 2007.

The above-identified application became abandoned for failure to file a timely and proper reply to the non-final Office action mailed October 6, 2006. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply considered filed and no extension of time considered obtained, the application became abandoned effective January 7, 2007. A courtesy Notice of Abandonment was mailed on May 4, 2007.

Petitioner states that the applicants' Response to the Office action was sent in a timely fashion by way of the United States Postal Service, using a Certificate of Mailing dated and signed on December 5, 2006. In support thereof, petitioner submits a copy of their return receipt postcard¹ and an affidavit of the employee who signed the certificate of mailing attesting to the handling of the response on December 5, 2006.

Petitioner's evidence has been reviewed, and is persuasive. However, consideration of their evidence is unnecessary. Their response is present in the application with a date of receipt of December 8, 2006 (and bearing a proper certificate of mailing

¹ The postcard bears a date-stamp of December 8, 2006, which was erroneously cancelled on resubmission on petition.

signed and dated December 5, 2006 on transmittal identifying submission of Response to Office action). The record supports a conclusion that due to Office error the response was misplaced.

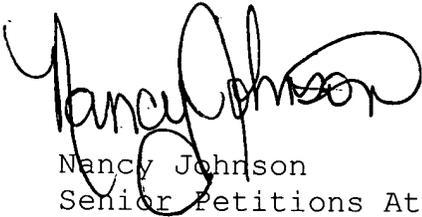
Accordingly, the Notice of Abandonment mailed May 4, 2007 is hereby **VACATED**, and the holding of abandonment is hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center AU 1773 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for consideration by the examiner of the response of record as filed on December 8, 2006 (with certificate of mailing dated December 5, 2006).

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



Nancy Johnson
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

REINHART BOERNER VAN DEUREN P.C.
2215 PERRYGREEN WAY
ROCKFORD, IL 61107

Mail Date: 04/20/2010

Applicant : Craig J. Froeter : DECISION ON REQUEST FOR
Patent Number : 7591111 : RECALCULATION of PATENT
Issue Date : 09/22/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/053,972 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/09/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **1162** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

COPY MAILED

OCT 01 2007

OFFICE OF PETITIONS

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

In re Application of :
Toru Uchino et al. :
Application No. 11/053,975 : DECISION ON PETITION
Filed: February 10, 2005 : UNDER 37 C.F.R. § 1.181
Attorney Docket No.: 2005_0212A :
Title: SUSPENSION CONTROL :
APPARATUS :

This is a decision on the petition filed on August 9, 2007, pursuant to 37 C.F.R. § 1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed February 2, 2007, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on May 3, 2007. A notice of abandonment was mailed on August 3, 2007.

With the present petition, Petitioner has asserted that a three-month extension of time and a response were concurrently submitted to the Office on August 2, 2007.

Petitioner has included a copy of this response, and it is clear that the request for an extension of time contains a certificate of facsimile transmission dated August 2, 2007.

Furthermore, the electronic file has been reviewed, and a copy of the submission that was received in the Office on August 2, 2007, has been located.

Moreover, Office records indicate that the three-month extension of time was charged to Petitioner's Deposit Account on August 3, 2007, and that this request was received on August 2, 2007.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner timely submitted a response.

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

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the response that was received on August 2, 2007 can be processed.

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



ETHERTON LAW GROUP, LLC
5555 E. VAN BUREN STREET, SUITE 100
PHOENIX AZ 85008

COPY MAILED

NOV 07 2006

OFFICE OF PETITIONS

In re Application of	:	
Steve Siverson, et al.	:	
Application No. 11/053,980	:	DECISION ON PETITION
Filed: February 8, 2005	:	TO WITHDRAW
Attorney Docket No. 296-003	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed August 3, 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 Sandra Etherton on behalf of all attorneys of record who are associated with customer No. 33354.

All attorneys/agents associated with the Customer Number 33354 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: STEVE SIVERSON
12079 N. 133RD WAY
SCOTTSDALE, AZ 85259

cc: DAMON BOYD
SNELL & WILMER, LLP
ONE ARIZONA CENTER
PHOENIX, AZ 85004-2202



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

DITTHAVONG MORI & STEINER, P.C.
918 PRINCE STREET
ALEXANDRIA, VA 22314

MAILED
APR 27 2010
OFFICE OF PETITIONS

In re Application of :
Larri Vermola :
Application No. 11/053,981 :
Filed: February 8, 2005 :
Attorney Docket No. P2136US00 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 18, 2010, 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 July 9, 2009, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on September 10, 2009. See MPEP 1215.04.

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

This matter is being referred to Technology Center AU 2617 for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

IGOR TROITSKI
6971 DANCING CLOUD AVE
HENDERSON NV 98011-5009

In re Application of:
TROITSKI, IGOR et al
Serial No.: 11/053,983
Filed: Feb. 10, 2005
Docket: n/a

5/7/09

Title: METHOD AND SYSTEM FOR : DECISION ON PETITION
PRODUCTION OF DYNAMIC LASER- :
INDUCED IMAGES INSIDE GASEOUS :
MEDIUM :

This is a decision on the petition filed on March 5, 2009 seeking to review the Office action of Sep. 21, 2007 and the final Office action of Dec. 31, 2007 issued by the examiner as incomplete. This application is abandoned as of April 1, 2008. This petition is being considered pursuant to 37 CFR §1.181. No fee is required.

The petition is **DISMISSED AS UNTIMELY.**

On pages 8-11 of Paragraph V and pages 16-22 of Evidence for Conclusion of the March 5, 2009 petition, petitioner requests the Office to review the Office actions because the examiner failed to examine all claim limitations and address the applicant's arguments in the rejection of claims 1-14 and subsequently replaced new claims 15-24.

The record shows:

On pages 8-11 and pages 16-22 of the petition, in essence, petitioner requests a review of the following seven points. They are a) the Office Action contains rejections same as the rejections of copending applications, S.N. 11/317,379 and SN. 11/234,813; b) the examiner did not examine the claims of the present application; c) the present invention does not use or mention the words "holography" or "holographic", but the examiner used the prior art references relating a laser light show device with uses the holography generating capability of laser light to produce projected images with holographic effects; d) the invention does not use combination of red, blue and green lasers but the examiner rejected the claims by referencing to the fact that "red, blue and green lasers may be used and may provide a monochromatic coherent collimated laser beam; e) the invention does not use transparent multi-planar optical element, forming a visible "dot" at each change of refractive index" and the examiner rejected claims by making reference

to a perpendicular incident beam passes through the layers of the transparent multi-planar optical element, forming a visible "dot" at each change of refractive index transition; f) the present invention does not use the secondary emission effect and mention any words "secondary emission" or "emission", but the examiner used the prior art references relating modulated beam with invisible light wavelength g). the invention does not use image gas; and h) the invention is not related to photon emission.

Analysis and Discussion

A review of the record shows that the instant petition was filed almost fifteen months after the mailing date of the last Office action of Dec. 31, 2007 (final rejection). Pursuant to 37 CFR 1.181(f)¹, the petition is not timely filed since the petition was not filed within two months of the action complained of. As the petition was not timely filed, the requested review of Office actions can not be granted.

With regard to the substantive arguments of the particular limitations in the claims regarding the examiner's application of a prior art reference relating to the production of dynamic laser induced image in transparent gaseous medium, petitioner alleges that the examiner used the prior art reference, U.S. Pat. Crabtree, U.S. Pat. 5,572,375 not relating to the invention in the rejection of claims. Apparently, petitioner was not satisfied with the examiner's response in her Office actions. In the petition, the issues presented by petitioner are clearly directed to the propriety of the examiner's rejection of claims 15-24 under various sections of applicable 35 USC § 132, 102 and 103 and response to the applicant's arguments. The question of whether the examiner has properly considered and interpreted certain claim limitations in the rejection of claims 15-24 under 35 USC § 132, 102 and 103 is clearly an appealable issue under 37 CFR § 41.31(a) (1). According to 37 CFR § 1.181(a)(1)², it is clear that petitioner's arguments will not support the requested relief, because the relief requested is simply not the type of relief that can be obtained by petition. The propriety of claim interpretation in a rejection of a claim, ultimately, is to be determined by the Board of Patent Appeals and Interferences in accordance with 37 CFR § 1.181(a) (1).

In view of the record, petitioner's request to review the Office action dated March 5, 2009 is dismissed as untimely. Issues regarding the interpretation of claim limitations in the rejection of claims 15-24 are appealable and will not be decided by petition. The application has been abandoned for failure to respond to the Office communication mailed on Feb. 1, 2008. Therefore, the application now remains abandoned.

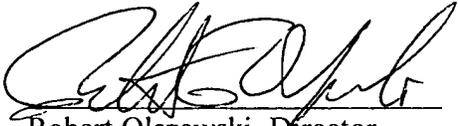
¹ 37 CFR 1.181(f): The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

² 37 CFR § 1.181(a) (1) states: Petition may be taken to the Director: (1) From any action or requirement of any examiner in the ex parte prosecution of an application, or in the ex parte or inter partes prosecution of a reexamination proceeding which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court.

Application Serial No. 11/053,983
Decision on Petition

Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED AS UNTIMELY.



Robert Olszewski, Director
Technology Center 3700



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 CIOTTI
MORRISON AND FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304

COPY MAILED

JUL 03 2006

OFFICE OF PETITIONS

In re Application of :
Roman Turovskiy et al :
Application No. 11/053,987 : **DECISION ON PETITION**
Filed: February 8, 2005 : **TO WITHDRAW**
Attorney Docket No. 412692001710 : **FROM RECORD**
:

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 13, 2005.

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

A review of the file record indicates that the power of attorney to Thomas E. Ciotti has been revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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


Amelia Au
Petitions Examiner
Office of Petitions

cc: United States Surgical
A Division of Tyco Healthcare Group LP
195 McDermott Road
North Haven, CT 06473

cc: United States Surgical
150 Glover Avenue
Norwalk, CT 06854



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

PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH PA 15219

COPY MAILED

DEC 16 2005

OFFICE OF PETITIONS

In re Application of :
Eric G. Hansen et al. : DECISION ON PETITION
Application No. 11/054,019 : UNDER 37 CFR 1.78(a)(6)
Filed: February 9, 2005 :
Attorney Docket No. 122467.03801 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed October 3, 2005, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of a prior-filed provisional application.

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

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

The petition includes a reference to a prior-filed provisional application but the reference is not in amendment form or an Application Data Sheet (ADS) and thus is not considered a proper reference under 37 CFR 1.78(a)(2)(i). In this regard, petitioner must comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

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

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

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

By hand: Customer Service Window
 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.


Frances Hicks
Petitions Examiner
Office of Petitions

JAN. 12. 2006 5:02PM

RECEIVED
CENTRAL FAX CENTER

NO. 211 P. 5

JAN 12 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

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

DEC 19 2005

PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH PA 15219

COPY MAILED

DEC 16 2005

OFFICE OF PETITIONS

In re Application of
Eric G. Hansen et al.
Application No. 11/054,019
Filed: February 9, 2005
Attorney Docket No. 122467.03801

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

This is a decision on the petition under 37 CFR 1.78(a)(6), filed October 3, 2005, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of a prior-filed provisional application.

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

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

The petition includes a reference to a prior-filed provisional application but the reference is not in amendment form or an Application Data Sheet (ADS) and thus is not considered a proper reference under 37 CFR 1.78(a)(2)(i). In this regard, petitioner must comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

Application No. 11/054,019

Page 2

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

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

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

By hand: Customer Service Window
 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.


Frances Hicks
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

RAYMOND M. GALASSO
SIMON, GALASSO & FRANTZ PLC
P.O. BOX 26503
AUSTIN, TX 78755-0503

COPY MAILED

AUG 10 2007

OFFICE OF PETITIONS

In re Application of
Mack V. Martin
Application No. 11/054,027
Filed: February 9, 2005
Attorney Docket No. 1723.040043

:
:
:
:
:
:

ON PETITION

This is a decision on the petition, filed March 23, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

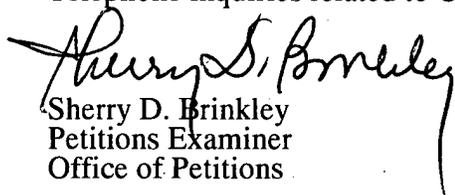
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 17, 2005. A Notice of Abandonment was mailed on September 22, 2006. On March 23, 2007, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the filing fees and surcharge of \$565; (2) the petition fee of \$750; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Initial Patent Examination (OIPE) for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Jun-10

**COOK GROUP PATENT OFFICE
P.O. BOX 2269
BLOOMINGTON IN 47402**

MAILED

JUN 22 2010

OFFICE OF PETITIONS

In re Application of :
SCOTT E. EELLS et al. :
Application No. 11/054043 : **DECISION ON PETITION**
Filed: February 9, 2005 :
Attorney Docket No. PA-5458-RFB :
:

This is a decision on the petition filed on April 2, 2010, under 37 CFR 1.137(b),¹ 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 October 4, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on January 7, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee of \$1620; and the required

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).

statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of October 4, 2007, is accepted as having been unintentionally delayed.

The application file is being referred to Technology Center AU 3731 for appropriate action on the concurrently filed amendment.

Telephone inquiries concerning this matter may 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

**BRYAN CAVE LLP
211 NORTH BROADWAY
SUITE 3600
ST. LOUIS MO 63102-2750**

COPY MAILED

OCT 26 2007

OFFICE OF PETITIONS

In re Application of :
Char Tara Albert et al. :
Application No. 11/054,093 : **ON PETITION**
Filed: February 10, 2005 :
Attorney Docket No. C048216/0135918 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 29, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed May 25, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on July 26, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath with required inventor's signature and \$100 for extra claims; (2) the petition fee of \$750; and (3) an adequate statement of unintentional delay.

The petition fee was inadvertently charge twice to your deposit and a credit will be issued in the amount of \$750 to deposit account 02-4467.

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

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

Liana Walsh
Petitions Examiner
Office of Petitions



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

CAMPBELL STEPHENSON LLP
11401 CENTURY OAKS TERRACE
BLDG. H, SUITE 250
AUSTIN, TX 78758

Mail Date: 06/18/2010

Applicant : Ali Najib Saleh : DECISION ON REQUEST FOR
Patent Number : 7633854 : RECALCULATION of PATENT
Issue Date : 12/15/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/054,108 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/09/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **1306** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C.
PO BOX 7021
TROY, MI 48007-7021

Mail Date: 04/21/2010

Applicant : Seongju Chang : DECISION ON REQUEST FOR
Patent Number : 7636365 : RECALCULATION of PATENT
Issue Date : 12/22/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/054,109 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/09/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **1353** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

MAY - 6 2005

JOSEPH R. SYNDER
TOWNSEND & TOWNSEND & CREW LLP
TWO EMBARCADO CENTER, EIGHTH FLOOR
SAN FRANCISCO, CALIFORNIA 94111-3834

In re Application of :
DENNIS LEE MURPHY :
JEANNE ANN WITTE : PETITION TO MAKE SPECIAL
KIM WENN YANG :
JOE DOYLE MCDANIEL :
Serial No.: 11/054,134 :
Filed: February 08, 2005 :
Attorney Docket No.: 018794-013800US :

This is in response to applicants' petition filed February 08, 2005, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant. No fee is required for this petition.

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

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

Should there be any questions with regard to this letter please contact William Dixon by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission to the general Office facsimile number.

William Dixon
Special Program Examiner
Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

MAY 31 2007

OFFICE OF PETITIONS

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

In re Application of :
Murphy, et al. : DECISION ON APPLICATION
Application No. 11/054,134 : FOR PATENT TERM ADJUSTMENT
Filed: February 8, 2005 :
Atty. Dkt. No.: 018794-013800US :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT CORRECTION," filed December 18, 2006. This matter is being properly treated as an application for patent term adjustment under 37 CFR 1.705(b).

The application for patent term adjustment (PTA) under 37 CFR 1.705(b) is **DISMISSED**.

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b), mailed September 29, 2006, indicated a patent term adjustment (PTA) to date of zero days. The issue fee payment was timely received December 18, 2006. Applicants argue that the correction adjustment is 57 days.

The correct PTA at the time of the allowance is zero days, as indicated on the Determination of Patent Term Adjustment mailed September 29, 2006.

An adjustment of 57 days can be attributed to the Office in accordance with 37 CFR 1.702(a)(1) and 1.703(a)(1).

The adjustment of 57 days was properly reduced 176 days in accordance with 37 CFR 1.704(c)(8). Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner is a failure to engage in reasonable efforts to conclude prosecution. The reduction began April 4, 2006, the day after the date that a reply to the non-final Office action was filed, and ended September 26, 2006, the date that the supplemental response was submitted.

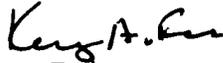
In view thereof, at the time of allowance, the application was entitled to an adjustment of zero days.

Applicants are further advised that the patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

The required Patent Term Adjustment application fee of \$200.00 has been charged to applicants' deposit account.

This application is being forwarded to the Office of Patent Publication for further processing.

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



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



IPSG, P.C.
P.O. BOX 700640
SAN JOSE CA 95170

COPY MAILED

SEP 05 2008

OFFICE OF PETITIONS

In re Application of	:	
Thorgrimsson	:	
Application No. 11/054,143	:	DECISION
Filed: 8 February, 2005	:	
Attorney Docket No. P1380/LMRX-P064	:	
	:	

This is a decision on the petition, filed 25 June, 2008, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application

The petition as considered under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

A proper showing (for relief under 37 C.F.R. §1.181):

- (as to non-receipt) requires at the very minimum: a statement from practitioner stating that the Office action was not received by the practitioner; a statement from the practitioner attesting to the fact that a search of the file jacket and docket records for the application indicates that the Office action was not received with a copy of those docket records; and a brief statement of the calendaring process and a copy of the due-date (calendar) docket record(s) where the nonreceived Office action would have been scheduled for reply had it been received must be attached to and referenced in the practitioner's statement; alternatively,
- (for a showing of timely and proper reply) requires a statement from practitioner stating that the reply was timely submitted by the practitioner; and copies of all papers submitted as and/or in support of that reply, with/and a copy of the date-stamped receipt card, Office FAX receipt acknowledgement (not simply Petitioner's FAX transmittal), or EFS

receipt acknowledgment from the Office, along with practitioner's attestation as to the correctness/completeness of his/her records.

The showing(s) must include that of the person(s) with first-hand knowledge and an acknowledgment by the Petitioner that he/she has reviewed that information in compliance with his/her duty of candor to the Office.

Petitioner's attention always is drawn to the guidance in the Commentary at MPEP §711.03(c).¹

¹ The Commentary at MPEP §711.03(c) provides in pertinent part:

I. PETITION TO WITHDRAW HOLDING OF ABANDONMENT

A petition to revive an abandoned application (discussed below) should not be confused with a petition from an examiner's holding of abandonment. Where 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 C.F.R. 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 C.F.R. 1.137 (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Two additional procedures are available for reviving an application that has become abandoned due to a failure to reply to an Office Action: (1) a petition under 37 C.F.R. 1.137(a) based on unavoidable delay; and (2) a petition under 37 C.F.R. 1.137(b) based on unintentional delay.

A. Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner **>describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

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

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

B. Petition To Withdraw Holding of Abandonment Based on Evidence That a Reply Was Timely Mailed or Filed

Petitioner seeks to provide the documentation in compliance with the Commentary at MPEP §711.03(c)(A) and/or (B) as it is set forth on the website (and included for reference herein).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Restriction Requirement mailed on 6 March, 2007, with a reply due absent extension of time on or before 6 April, 2007.

The application went abandoned by operation of law after midnight 6 April, 2006.

The Office mailed the Notice of Abandonment on 1 October, 2007.

On 25 June, 2008, Petitioner filed the petition requesting withdrawal of the holding of abandonment under 37 C.F.R. §1.181 averring timely filing supported with a copy of the dated ("2 APRIL 2007") electronic Acknowledgment Receipt and a copy of the reply in the form of an

37 C.F.R. 1.10(c) through 1.10(e) and 1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. 1.10(c), (d), (e), or (g) (see MPEP § 513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides prima facie evidence that the reply was timely filed. See MPEP § 503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP § 512. As stated in 37 C.F.R. 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. 1.8).

37 C.F.R. 1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. 1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512.

C. Treatment of Untimely Petition To Withdraw Holding of Abandonment

37 C.F.R. 1.181(f) provides that, *inter alia*, except as otherwise provided, any petition not filed within 2 months from the action complained of may be dismissed as untimely. Therefore, any petition (under 37 C.F.R. 1.181) to withdraw the holding of abandonment not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely. 37 C.F.R. 1.181(f). Rather than dismiss an untimely petition to withdraw the holding of abandonment under 37 C.F.R. 1.181(f), the Office may require a terminal disclaimer as a condition of granting an untimely petition to withdraw the holding of abandonment.

election averred to have been filed on 2 April, 2007; notably, however, the system gave the submission a new application number and now the election is visible in the instant file.

Petitioner's showing appears to comply with the guidance in the Commentary at MPEP §711.03(c).

However, Petitioner's reply to the Notice of Abandonment is late under the rule (37 C.F.R. §1.181), and Petitioner should refer to the guidance set forth in the Commentary at MPEP §711.03(c).²

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.³

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

² The guidance set forth in the Commentary at MPEP §711.03(c) provides in pertinent part:

C. Treatment of Untimely Petition To Withdraw Holding of Abandonment

37 C.F.R. 1.181(f) provides that, *inter alia*, except as otherwise provided, any petition not filed within 2 months from the action complained of may be dismissed as untimely. Therefore, any petition (under 37 C.F.R. §1.181) to withdraw the holding of abandonment not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely. 37 C.F.R. §1.181(f).

Rather than dismiss an untimely petition to withdraw the holding of abandonment under 37 C.F.R. §1.181(f), the Office may require a terminal disclaimer as a condition of granting an untimely petition to withdraw the holding of abandonment.

3. Utility and Plant Applications Filed on or After May 29, 2000

In utility and plant applications filed on or after May 29, 2000, a terminal disclaimer should not be required as a condition of granting an untimely petition to withdraw the holding of abandonment. This is because any patent term adjustment is automatically reduced under the provisions of 37 C.F.R. §1.704(c)(4) in applications subject to the patent term adjustment provisions of the American Inventors Protection Act of 1999 (AIPA) if a petition to withdraw a holding of abandonment is not filed within two months from the mailing date of the notice of abandonment, and if applicant does not receive the notice of abandonment, any patent term adjustment is reduced under the provisions of 37 C.F.R. §1.704(a) by a period equal to the period of time during which the applicant "failed to engage in reasonable efforts to conclude prosecution" (processing or examination) of the application.

Where the record indicates that the applicant intentionally delayed the filing of a petition to withdraw the holding of abandonment, the Office may simply dismiss the petition as untimely (37 C.F.R. §1.181(f)) solely on the basis of such intentional delay in taking action in the application without further addressing the merits of the petition. Obviously, intentional delay in seeking the revival of an abandoned application precludes relief under 37 C.F.R. §1.137(a) or (b) (***).

³ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Allegations as to the Request to
Withdraw the Holding of Abandonment

The courts have determined the construct for properly supporting a petition seeking withdrawal of a holding of abandonment.⁴ (See, also, the commentary at MPEP §711.03(c)(I)(A) and (B).)

And the regulation requires that relief be sought within two (2) months of the act complained of.

Petitioner appears to have satisfied the showing requirements as discussed hereinabove.

CONCLUSION

The petition under 37 C.F.R. §1.181 is **granted**, and the 1 October, 2007, Notice of Abandonment is **vacated**.

The instant application is released to Technology Center/AU 3651 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the Technology Center/AU in response to this decision—and it is noted that all inquiries with regard to that change in status should be directed to the Technology Center/AU where that change of status must be effected.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁵) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



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

⁴ See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

⁵ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210

Mail Date: 06/01/2010

Applicant : Jean Philippe Vasseur : DECISION ON REQUEST FOR
Patent Number : 7623461 : RECALCULATION of PATENT
Issue Date : 11/24/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/054,145 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/09/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **1258** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**PETER YIM
SEAGATE TECHNOLOGY C/O MOFO SF
425 MARKET ST.
SAN FRANCISCO, CA 94105**

COPY MAILED

JUL 18 2008

In re Application of	:	
Paco Flores et al.	:	
Application No. 11/054,149	:	DECISION ON PETITION
Filed: February 8, 2005	:	TO WITHDRAW
Attorney Docket No. 8209.061.NPUS00	:	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 8, 2007.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to the firm of Seagate Technology (customer no. 50269) has been revoked by the assignee of the patent application on July 6, 2007. Accordingly, the request to withdraw under 37 CFR 1.36(b) is moot.

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

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

Carl Friedman
Petitions Examiner
Office of Petitions

Cc: SEAGATE TECHNOLOGY LLC
C/O NOVAK DRUCE & QUIGG LLP
1000 LOUISIANA, SUITE 5350
HOUSTON TX 77002



Paper No.

ALLEN, DYER, DOPPELT, MILBRATH &
GILCHRIST P.A.
1401 CITRUS CENTER 255 SOUTH ORANGE
AVENUE
P.O. BOX 3791
ORLANDO FL 32802-3791

COPY MAILED

JUL 02 2008

OFFICE OF PETITIONS

In re Application of :
Qi et al. :
Application No. 11/054,159 : ON PETITION
Filed: February 9, 2005 :
Attorney Docket No. 12784-US-PAT :
(85026) :

This is a decision on the "PETITION TO EXPUNGE INFORMATION UNDER 37 C.F.R. §1.59," filed February 20, 2008. This paper is properly treated as a petition requesting under 37 CFR 1.183 suspension of the requirements of 37 CFR 1.59(a) such that a paper not filed pursuant to 724.02 be expunged from this file.

The \$400 petition fee for consideration under 37 CFR 1.183 has been charged to Deposit Account No. 01-0484, as authorized.

Petitioner requests that the U.S. Patent and Trademark Office expunge the Request for Continued Examination and Information Disclosure Statement also filed via EFS-Web on February 20, 2008. Petitioner states no basis for this request.

Procedures set forth in MPEP 724 are designed to enable the Office to ensure as complete a patent file wrapper as possible 37 CFR 1.59(a)(1) provides, in pertinent part, that information in an application will not be expunged and returned, except as provided on petition.

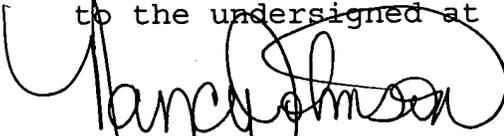
Petitioner presents no argument in support of this request. Given that this petition and the papers requested to be expunged were filed on the same day, it could be presumed that the papers

were filed inadvertently and/or unintentionally. Regardless, it has been determined that expungement of the Request for Continued Examination and Information Disclosure Statement filed February 20, 2008 is not appropriate. Justice does not require waiver of the rules to permit the requested material to be expunged. The well-established Office policy is to maintain a complete record of the prosecution history. Once the RCE and IDS were filed they became a part of the prosecution history. Petitioner has not submitted any argument that an exception to this policy is warranted in this instance. Any issues arising from the filing of the Request for Continued Examination and Information Disclosure Statement need to be otherwise addressed on the record.

Accordingly, the petition is DISMISSED AS INAPPROPRIATE.

Any request for reconsideration must be filed within **TWO (2) MONTHS** from the mail date of this decision. This period for reply is not extendable under § 1.136(a).

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



Nancy Johnson
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

DAVID TOREN, ESQ.
ABELMAN FRAYNE & SCHWAB
666 THIRD AVENUE
NEW YORK, NY 10017-5621

Mail Date: 04/21/2010

Applicant : Armin Hoffmann : DECISION ON REQUEST FOR
Patent Number : 7597291 : RECALCULATION of PATENT
Issue Date : 10/06/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/054,163 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/09/2005 : 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

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

Paper No.

K&L Gates LLP
1900 MAIN STREET, SUITE 600
IRVINE CA 92614-7319

MAILED

MAR 31 2010

OFFICE OF PETITIONS

In re Patent No. 7,622,130 : DECISION ON REQUEST
Kolodney et al. : FOR
Issue Date: November 24, 2009: RECONSIDERATION OF
Application No. 11/054,171 : PATENT TERM ADJUSTMENT
Filed: February 8, 2005 : and
Atty Docket No. 1951353-00002 : NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on January 14, 2010, 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 thirty-one (1031) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicated that the term of the above-identified patent is extended or adjusted by one thousand three hundred fifty-five (1035) days is **GRANTED to the extent indicated herein.**

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.

Patentee requests this correction in part on the basis that the Patent did not issue within 36 months of the filing date. In addition, patentee discloses that a period of applicant delay should be corrected from 48 days to 53 days. Specifically,

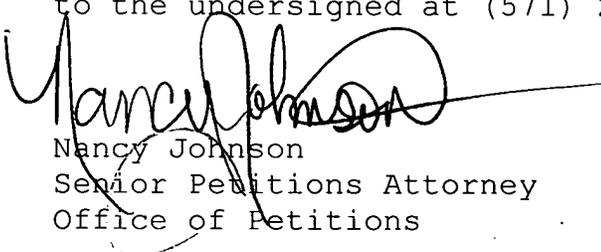
patentee notes that an Information Disclosure Statement (IDS) was filed on March 2, 2009, incurring an applicant delay of 53 days. However, the Office indicates applicant delay is 48 days.

With respect to this 48-day delay, patentee is incorrect. A response after non-final Office action was filed on January 13, 2009. Thereafter, on March 2, 2009, the Information Disclosure Statement (IDS) was filed. It is undisputed that pursuant to 37 CFR 1.704(c)(8), the filing of the IDS was a failure to engage. The period of delay begins on January 14, 2009 and ends on March 2, 2009, which is a period of 48 days (not 53 days). Accordingly, no change will be made to the applicant delay of record.

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 February 9, 2008 and ends on March 26, 2009, the day before the date of filing of the RCE. See 35 U.S.C. 154(b)(1)(B)(i). Thus, the over 3 year period is 412 (not 413) days, and the B delay considering the 335 days of overlap is 77 days. As such, the patent term adjustment is 1035 days.

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 thirty-five (1035) days.

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



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,622,130 B2

DATED : **November 24, 2009**

DRAFT

INVENTOR(S) : Kolodney 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 958 days

Delete the phrase "by 958 days" and insert – by 1035 days--



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED
MAR 10 2010

In re Patent No. 7,574,629 :
Douady et al. : DECISION ON REQUEST FOR
Issue Date: August 11, 2009 : RECONSIDERATION OF
Application No. 11/054,179 : PATENT TERM ADJUSTMENT
Filed: February 9, 2005 : AND NOTICE OF INTENT
Attorney Docket No. 25505- : TO ISSUE CERTIFICATE OF
0007001 : CORRECTION
Title: Method And Device For :
Switching Between Agents :
:

This is a decision on the petition filed on October 13, 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 one hundred twenty-two (1122) 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 one hundred twenty-two (1122) days is **GRANTED**.

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 one hundred twenty-two (1122) 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 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 DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,574,629 B2

DATED : August 11, 2009

DRAFT

INVENTOR(S) : Douady 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 620 days

Delete the phrase "by 620 days" and insert – by 1122 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

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Johann Schlüsselbauer	: DECISION ON REQUEST FOR
Patent Number	: 7637189	: RECALCULATION OF PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/054,181	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **211** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



LYONDELL CHEMICAL COMPANY
3801 WEST CHESTER PIKE
NEWTOWN SQUARE PA 19073

COPY MAILED

MAY 29 2007

OFFICE OF PETITIONS

In re Application of
D. Ryan Breese et al.
Application No. 11/054,202
Filed: February 9, 2005
Attorney Docket No.: 88-2094A

:
:
:
:
:
:

ON PETITION

This is a decision on the petition filed May 14, 2007 under 37 CFR 1.181 to withdraw the holding of abandonment for the above-identified application.

This application was held abandoned on January 9, 2007 and a Notice of Abandonment was mailed May 4, 2007 for the applicant's failure to file a proper reply to the non-Final Office Action mailed October 6, 2006.

Petitioner asserts that based on an error in the examination of the claims, the Examiner advised that no response was actually required.

A review of the record reveals that on November 22, 2006 in a telephonic interview, an agreement was reached between the Examiner and the parties that no response was in fact required. The Interview Summary is of record. The Office Action was not withdrawn and as a result, the Notice of Abandonment was mailed. In view thereof, and after confirmation from the Examiner, the Notice of Abandonment mailed May 4, 2007 was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged.

This matter will be referred to Technology Center 1773.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090821

DATE :

TO SPE OF : ART UNIT

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

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

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

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location 7590 - Tel. No. (703) 305-8309

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

Thank You For Your Assistance

Certificates of Correction Branch

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

Note your decision on the appropriated box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments:

changes are acceptable

/T C Patel/
Supervisory Patent Examiner.Art Unit 2839



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

Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO., EXAMINER, ART UNIT, PAPER NUMBER, MAIL DATE, DELIVERY MODE. Includes application details for Takanori Shimizu and examiner Etienne, Ario.

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Richard Clemens
Patent Publication Branch
Office of Data Management

05 FC:1202 -200.00 OP
04 FC:1201 -600.00 OP
02 FC:1111 -500.00 OP



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
DW May-08

MORGAN & FINNEGAN, L.L.P.
3 WORLD FINANCIAL CENTER
NEW YORK NY 10281-2101

COPY MAILED

MAY 06 2008

OFFICE OF PETITIONS

In re Application of :
Albou et al. : DECISION ON PETITION TO
Application Number: 11/054231 : WITHDRAW HOLDING OF
Filing Date: 02/09/2005 : ABANDONMENT
Attorney Docket Number: 1948- :
4859 :

This is a decision on the petition filed on April 16, 2007, to withdraw the holding of abandonment in the above-identified application.

The Office apologizes for the delay in responding to the subject petition.

The petition is **GRANTED**.

The application was held abandoned for failure to timely respond to the Notice of Allowance and Fee(s) Due mailed on December 8, 2006, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on April 5, 2007.

Petitioner's counsel asserts that the Notice of Allowance and Fee(s) Due mailed on December 8, 2006 was never received.

In the absence of any irregularity in the mailing of the Notice of Allowance and Fee(s) Due mailed on December 8, 2006, there is a strong presumption that the Notice of Allowance and Fee(s) Due mailed on December 8, 2006 was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Notice of Allowance and Fee(s) Due mailed on December 8, 2006 was not in fact received.

In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a

petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

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

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

A review of the record indicates that the Notice of Allowance and Fee(s) Due mailed on December 8, 2006 was properly mailed to the petitioners at the correspondence address of record at the time of mailing. Thus, there was no irregularity in mailing the Office action on the part of the United States Patent and Trademark Office.

In support of the petition, petitioners' registered patent practitioner, Brian W. Brown, states that a search of the file jacket and docket records for this application indicates that the original Notice of Allowance has not been received. Petitioners have included a copy of the docket record where the Notice of Allowance mailed on December 8, 2006, would have been entered had it been received as well as a copy of the docket report where the Notice of Allowance and Fee(s) Due mailed on December 8, 2006, would have been docketed for a response had it been received.

The petitioners have made a sufficient showing of nonreceipt of the Notice of Allowance and Fee(s) Due mailed on December 8, 2006. Therefore, there is no abandonment in fact.

The Notice of Abandonment is hereby vacated, and the holding of abandonment withdrawn.

The petition is GRANTED.

The application file is being referred to Technology Center Art Unit 2875 technical support staff for remailing of the Notice of Allowance and Fee(s) Due mailed on December 8, 2006. The period for reply will be reset from the mailing date thereof.

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



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
DTW May-08

MORGAN & FINNEGAN, L.L.P.
3 WORLD FINANCIAL CENTER
NEW YORK NY 10281-2101

COPY MAILED

MAY 07 2008

OFFICE OF PETITIONS

In re Application of :
Albou et al. :
Application Number: 11/054231 :
Filing Date: 02/09/2005 :
Attorney Docket Number: 1948- :
4859 :

DECISION ON PETITION TO
WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the petition filed on April 16, 2007, to withdraw the holding of abandonment in the above-identified application.

The Office apologizes for the delay in responding to the subject petition.

The petition is **GRANTED**.

The application was held abandoned for failure to timely respond to the Notice of Allowance and Fee(s) Due mailed on December 8, 2006, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on April 5, 2007.

Petitioner's counsel asserts that the Notice of Allowance and Fee(s) Due mailed on December 8, 2006 was never received.

In the absence of any irregularity in the mailing of the Notice of Allowance and Fee(s) Due mailed on December 8, 2006, there is a strong presumption that the Notice of Allowance and Fee(s) Due mailed on December 8, 2006 was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Notice of Allowance and Fee(s) Due mailed on December 8, 2006 was not in fact received.

In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a

petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

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

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

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

A review of the record indicates that the Notice of Allowance and Fee(s) Due mailed on December 8, 2006 was properly mailed to the petitioners at the correspondence address of record at the time of mailing. Thus, there was no irregularity in mailing the Office action on the part of the United States Patent and Trademark Office.

In support of the petition, petitioners' registered patent practitioner, Brian W. Brown, states that a search of the file jacket and docket records for this application indicates that the original Notice of Allowance has not been received. Petitioners have included a copy of the docket record where the Notice of Allowance mailed on December 8, 2006, would have been entered had it been received as well as a copy of the docket report where the Notice of Allowance and Fee(s) Due mailed on December 8, 2006, would have been docketed for a response had it been received.

The petitioners have made a sufficient showing of nonreceipt of the Notice of Allowance and Fee(s) Due mailed on December 8, 2006. Therefore, there is no abandonment in fact.

The Notice of Abandonment is hereby vacated, and the holding of abandonment withdrawn.

The petition is GRANTED.

The application file is being referred to Technology Center Art Unit 2875 technical support staff for re mailing of the Notice of Allowance and Fee(s) Due mailed on December 8, 2006. The period for reply will be reset from the mailing date thereof.

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



Douglas I. Wood
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

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	: Steven R. Carlough	: DECISION ON REQUEST FOR
Patent Number	: 7660838	: RECALCULATION OF PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/054,233	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **891** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROBERT C. KAIN, JR.
750 SOUTHEAST THIRD AVENUE
SUITE 100
FT LAUDERDALE FL 33316-1153

COPY MAILED

JUN 02 2006

OFFICE OF PETITIONS

In re Application of :
Hagan, Bernard P. :
Application No. 11/054,237 : **ON PETITION**
Filed: February 9, 2005 :
Attorney Docket No. 6253-14-con-div :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 9, 2005, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the applicant, Bernard P. Hagan. 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 3624 for action on the merits commensurate with this decision.

Liana Chase
Petitions Examiner
Office of Petitions



BAKER BOTTS, LLP
910 LOUISIANA
HOUSTON TX 77002-4995

COPY MAILED

OCT 04 2005

OFFICE OF PETITIONS

Applicant: Mullen et al.
Appl. No.: 11/054,239
Filing Date: February 9, 2005
Title: SYSTEM AND METHOD FOR A MULTI-FUNCTIONAL SECURITY MECHANISM
IN A DOCKING STATION
Attorney Docket No.: 01629.1825
Pub. No.: US 2005/0146849 A1
Pub. Date: July 7, 2005

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), filed on August 9, 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 front page of the publication published with the wrong title.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The instant request identifies an Office error, which is not a material mistake because the technical disclosure and the claims are understandable, as the information is also included summary of the invention and else where in the specification. The error identified by applicant is an Office mistake, but it is not a material mistake as required by 37 CFR 1.221(b). The error does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The error is also not a material mistake because the application is a Continuation of U.S. Application 10/327,519 filed December 20, 2002, now U.S. Patent No. 6,885,552 and U.S. Patent Application Publication 2004/0120112 A1. Since, the parent application is published and

¹Changes 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).

contains the information printed correctly, the error does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The error also does not affect the use of the patent application publication as a prior art reference, because the continuity data is correctly published and the earlier publication has the best date as a reference. Furthermore, this is not a material error since the Image File Wrapper (IFW) for this application is available to the public, as of its publication date.

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

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

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

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



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



**GENERAL MOTORS CORPORATION
LEGAL STAFF
MAIL CODE 482-C23-B21
P.O. BOX 300
DETROIT MI 48265-3000**

COPY MAILED

JAN 07 2008

OFFICE OF PETITIONS

In re Application of :
Michael A. Kropinski et al :
Application No. 11/054,240 : **DECISION ON PETITION**
Filed: February 9, 2005 :
Attorney Docket No. GP-304090-NAPD- :
TJM :

This is a decision on the petition, filed June 15, 2007 under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application. This is also a decision on the petition filed June 15, 2007, under 37 CFR 1.137(b), to revive the above-identified application.

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

The petition under 37 CFR 1.137(b) is **DISMISSED** as Moot.

This application was held abandoned for failure to reply to the nonfinal Office action mailed September 29, 2006, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on April 6, 2007.

Petitioner asserts that the Office action dated September 29, 2006 was not received.

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

1. a statement from practitioner stating that the Office action was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and
3. a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

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

The petition satisfies the above-stated requirements. Further, Office records do show that the Office action mailed September 29, 2006 was returned to the USPTO as undelivered on October 2, 2006. Accordingly, the application was not abandoned in fact.

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

The petition to revive under 37 CFR 1.137(b), is dismissed as moot in view of the granting of the petition under 37 CFR 1.181. Petitioner may request a refund of the petition fee by writing to Mail Stop 16, Refund Request. A copy of this decision should accompany the request.

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.

This application is being referred to Technology Center AU 2612 to consider the amendment of June 15, 2007.



Karen Creasy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

General Motors Corporation
300 Renaissance Center
M.C. 482-C23-B21
P.O. Box 300
Detroit, MI 48265-3000

Mail Date: 04/21/2010

Applicant : Andrew M. Zettel : DECISION ON REQUEST FOR
Patent Number : 7570022 : RECALCULATION of PATENT
Issue Date : 08/04/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/054,241 : OF WYETH
Filed : 02/09/2005 :
:
:

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
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

EXXONMOBIL CHEMICAL COMPANY
5200 BAYWAY DRIVE
P.O. BOX 2149
BAYTOWN, TX 77522-2149

Mail Date: 05/10/2010

Applicant : Wen Li : DECISION ON REQUEST FOR
Patent Number : 7622523 : RECALCULATION of PATENT
Issue Date : 11/24/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/054,247 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/09/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **255** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

SHARP KABUSHIKI KAISHA
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

Mail Date: 04/20/2010

Applicant	: Kentaroh Aoki	: DECISION ON REQUEST FOR
Patent Number	: 7585100	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/054,268	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **315** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

DEC 01 2005

THOMPSON HINE L.L.P.
2000 COURTHOUSE PLAZA , N.E.
10 WEST SECOND STREET
DAYTON OH 45402

In re Application of :
Harry A. Bishop :
Serial No.: 11/054,278 : **DECISION ON PETITION**
Filed: February 9, 2005 :
For: System and Method for Imaging :
Myocardial Infarction :

This is in response to applicants' petition filed June 27, 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



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

MAY 25 2005

In re Application of
RICHARDS.

Serial Number: 11/054,299

Filed: February 9, 2005

For: GAS SCRUBBING PROCESS AND
APPARATUS

PETITION UNDER
M.P.E.P. 708.02 V

This is in response to the petition filed February 9, 2005, requesting that the above-identified application be granted Special Status under Section 708.02 XI of the MPEP and 37 CFR 1.102.

A petition for Special Status under Section 708.02 XI must be accompanied by the fee set forth in 37 CFR 1.17(h) (MPEP 708.02 XI and 37 CFR 1.102 (c) & (d)). The required fee has not been submitted. However, in a telephone discussion with Robert Harris, on May 6, 2005, it was noted the petition indicates the invention contributes to the restoration of a life sustaining natural element, i.e., air. This statement is sufficient to grant special status under MPEP 708.02 V, Environmental Quality. As such, the petition has been considered as a petition to make special under MPEP 708.02 V; no fee is required for such a petition.

Accordingly the petition is **GRANTED**.

Richard Crispino
Special Programs Examiner
TC 1700

ROBERT W. HARRIS
5906 PAINTED PONY DR, NW
ALBUQUERQUE, NM 87120



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.

MAILED

MAY 24 2010

OFFICE OF PETITIONS

ROBERT W. HARRIS
5906 PAINTED PONY DR, NW
ALBUQUERQUE NM 87120

In re Application of	:	
Clyde N. Richards	:	
Application No. 11/054,299	:	
Patent No. 6,986,803	:	DECISION ON TWO PETITIONS
Filed: February 9, 2005	:	PURSUANT TO
Issue Date: January 17, 2006	:	37 C.F.R. §§ 1.378(B)
Attorney Docket Number: 2046	:	AND (C)
Title: GAS SCRUBBING PROCESS	:	
AND APPARATUS	:	

This is a decision on the two petitions concurrently filed on March 17, 2010 by the attorney of record pursuant to 37 C.F.R. §§ 1.378(b) and (c), to reinstate the above-identified patent.

The petition pursuant to 37 C.F.R. § 1.378(b) is **DISMISSED**.

The petition pursuant to 37 C.F.R. § 1.378(c) is **GRANTED**.

The patent issued on January 17, 2006. The grace period for paying the 3½-year maintenance fee provided in 37 C.F.R. § 1.362(e) expired at midnight on January 17, 2010, with no payment received. Accordingly, the patent expired on January 17, 2010 at midnight.

The petition pursuant to 37 C.F.R. § 1.378(b):

With this petition, Petitioner submitted the surcharge associated with a petition to accept late payment of a maintenance fee as unavoidable, along with the 3½-year maintenance fee and a statement of facts.

Any petition to accept an unavoidably delayed payment of a maintenance fee filed under 37 C.F.R. § 1.378(b) must include:

- (1) the required maintenance fee set forth in 37 C.F.R. § 1.20 (e) through (g);
- (2) the surcharge set forth in 37 C.F.R. § 1.20(i)(1), and;
- (3) a showing that the delay was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that the petition was filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent - the showing must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

Petitioner has met the first and second requirements of 37 C.F.R. § 1.378(b). Regarding the third requirement, Petitioner's explanation of the delay has been considered, and it has been determined that it fails to meet the standard for acceptance of a late payment of the maintenance fee and surcharge. A discussion follows.

The standard

35 U.S.C. § 41(c)(1) states:

The Director may accept the payment of any maintenance fee... after the six-month grace period if the delay¹ is shown to the satisfaction of the Director to have been unavoidable.

Rule § 1.378(b)(3) is at issue in this case. Acceptance of a late maintenance fee under the unavoidable delay standard is considered under the same standard for reviving an abandoned application under 37 C.F.R. § 1.137(a). This is a very stringent standard. 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

¹ This delay includes the entire period between the due date for the fee and the filing of a grantable petition pursuant to 37 C.F.R. § 1.378(b).

is generally used and observed by prudent and careful men in relation to their most important business.²

In addition, decisions are made on a "case-by-case basis, taking all the facts and circumstances into account."³ Nonetheless, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable."⁴

Docketing error

A delay resulting from an error (e.g., a docketing error) on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay.

Such a showing should identify the specific error,⁵ the individual who made the error, and the business routine in place for performing the action that resulted in the error. The showing must establish that the individual who erred was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care. The showing should include information regarding the training provided to the personnel responsible for the docketing error, degree of supervision of their work, examples of other work functions carried out, and checks on the described work which were used to assure proper execution of assigned tasks.

A delay resulting from an error (e.g., a docketing error) on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that:

- (1) the error was the cause of the delay at issue,

² 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).

³ Smith v. Mossinghoff, 671 F.2d at 538, 213 U.S.P.Q. at 982.

⁴ Haines v. Quigg, 673 F. Supp. at 316-17, 5 U.S.P.Q.2d at 1131-32.

⁵ Petitioner must identify the error that caused the delay. If the specific error cannot be identified, the petitioner must identify any and all possible causes and prove that any of them, if they were the true cause, constitute unavoidable delay. A full and complete discussion for each possible error must be presented. Petitioner is reminded that a petitioner has the burden of proof.

- (2) a business routine was in place for performing the clerical function that could reasonably be relied upon to avoid errors in its performance, and;
- (3) the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.

See M.P.E.P. § 711.03(c)(III)(C)(2).

An adequate showing should include (when relevant):

- (1) statements by all persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts as they know them;
- (2) a thorough explanation of the docketing and call-up system in use;
- (3) identification of the type of records kept;
- (4) identification of the persons responsible for the maintenance of the system;
- (5) copies of mail ledger, docket sheets, filewrappers and such other records as may exist which would substantiate an error in docketing;
- (6) include an indication as to why the system failed in this instance, and;
- (7) information regarding the training provided to the personnel responsible for the docketing error, degree of supervision of their work, examples of other work functions carried out, and checks on the described work which were used to assure proper execution of assigned tasks.

Application of the standard to the current facts and circumstances

The period for paying the 3-year maintenance fee without the surcharge extended from January 17, 2009 to July 17, 2009, and for paying with the surcharge from July 18, 2009 to January 17, 2010. Thus, the delay in paying the 3½-year maintenance fee extended from January 17, 2010 at midnight to the filing of this petition on March 17, 2010.

Petitioner is the attorney of record, and with this petition, he has included a statement from the inventor where it has been asserted that he docketed the maintenance fee due dates for this

patent into his Personal Digital Assistant (PDA), however his PDA malfunctioned and did not notify him of the due date.

Petitioner has established that the error was the cause of the delay at issue, and has provided statements by the person with direct knowledge of the circumstances surrounding the delay, setting forth the facts as he knows them, and identified the person responsible for the maintenance of the system.

The record does not support a finding that the entire delay was unavoidable, as the record does not support a finding that the business routine which was in place for performing the clerical function could reasonably be relied upon to avoid errors in its performance.

First, the record does not support a finding that the inventor was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon his use of the PDA to track the maintenance fee represented the exercise of due care. It is not clear if the inventor was proficient in the usage of the PDA: he has asserted that the PDA malfunctioned and failed to notify him of the due date. However, since no explanation has been given as to how the PDA malfunctioned, it seems equally possible that he simply failed to program the PDA properly.

Secondly, the record does not contain either a thorough explanation of the docketing and call-up system in use or an identification of the type of records kept: the inventor has not indicated precisely how his PDA was set to notify him of the upcoming due date.

Third, the record does not contain copies of records as may exist which would substantiate an error in docketing, i.e. the malfunction of the PDA.

Fourth, the record does not contain an indication as to why the PDA-based system failed in this instance.

The petition pursuant to 37 C.F.R. § 1.378(c):

A grantable petition pursuant to 37 C.F.R. § 1.378(c) must be accompanied by:

- (1) The maintenance fee as set forth in 37 C.F.R. §§ 1.362(e) and 1:20;

- (2) The surcharge for accepting a maintenance fee after expiration of a patent for non-timely payment of a maintenance fee, as set forth in 37 C.F.R. § 1.20;
- (3) A statement that the delay was unintentional from a proper party in interest, and;
- (4) The petition must be filed within 24 months of the date of expiration.

With this petition, Petitioner submitted the surcharge associated with a petition to accept late payment of a maintenance fee as unintentional, the 3½-year maintenance fee, and a statement that the delay in payment of the maintenance fee was unintentional. This petition was timely filed within twenty-four months after the expiration of the six-month grace period.

Petitioner has met each of the requirements of Rule 1.378(c).

Accordingly, the maintenance fee in this case is hereby accepted and the above-identified patent is hereby reinstated as of the mail date of this decision.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.⁶ Inquiries pertaining to the submission of maintenance fees should be directed to the Maintenance Fee branch at 571-272-6500.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

⁶ 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.



TERESA LEIGH BARR
1908 ORCHARD ROAD
HOOD RIVER OR 97031

COPY MAILED

JUN 15 2009

OFFICE OF PETITIONS

In re Application of :
Pacheo, et al. :
Application No. 11/054,312 : DECISION
Filed/Deposited: 9 February, 2005 :
Attorney Docket No. (None) :

This is a decision on the petition, filed on 17 March, 2009, for revival of an application abandoned due to unavoidable delay under 37 C.F.R. §1.137(a).

The petition under 37 C.F.R. §1.137(a) is **DISMISSED**.

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.137(a)."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to Allegation of
Unavoidable Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(a) are the petition and fee therefor, a reply, a proper showing of unavoidable delay under the regulation, and, where applicable, a terminal disclaimer and fee. (However, it does not appear that a terminal disclaimer and fee are due here.)

Petitioner does not appear to have satisfied the showing requirements (as to unavoidable delay) under the rule. Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(a).

Petitioner also is cautioned that the request/fee for extension of time was insufficient to make timely the reply, and requests/fees submitted after abandonment are not proper.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to a non-final Office action mailed on 1 November, 2007, with reply due absent extension of time on or before 1 February, 2008.

Petitioner filed a reply in the form of an amendment on 28 April, 2008, with a request and fee for extension of time, however, the extension requested and fee paid (two months) were insufficient to make timely the reply.

The application went abandoned by operation of law after midnight 1 April, 2008.

Petitioner submitted *via* credit card additional fees after the maximum period for extension of time expired—these fees are being refunded *d via* credit card. Should Petitioner later find that the fees have not been refunded, Petitioner should request a refund from the Office of Finance and include therewith a copy of this decision.

The Office mailed the Notice of Abandonment on 19 February, 2009.

On 17 March, 2009, Petitioner *pro se* filed, *inter alia*, a petition (with fee) under 37 C.F.R. §1.137(a) averring unavoidable delay, however, Petitioner's showing is simply that the reply was not timely because an insufficient request and fee for extension of time was submitted, and such a showing does not satisfy the requirements of a petition averring unavoidable delay. (See: MPEP §711.03(c)(II). Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II) for the showing required pursuant to 37 C.F.R. §1.137(a), which provides in pertinent part:

2.Unavoidable Delay

As discussed above, "unavoidable" delay is the epitome of "unintentional" delay. Thus, an intentional delay precludes revival under 37 C.F.R. §137(a) ("unavoidable" delay) or 37 C.F.R. §1.137(b) ("unintentional" delay). See Maldague, 10 USPQ2d at 1478.

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 Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 667-68 (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).

A delay resulting from an error (e.g., a docketing error) on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that:

(A) the error was the cause of the delay at issue;

(B) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; and

(C) the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.

See In re Egbers, 6 USPQ2d 1869, 1872 (Comm'r Pat. 1988), rev'd on other grounds sub nom., Theodor Groz & Sohne & Ernst Bechert Nadelfabrik KG v. Quigg, 10 USPQ2d 1787 (D.D.C. 1988); In re Katrapat, 6 USPQ2d 1863, 1867-68 (Comm'r Pat. 1988). For example, 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. The following do not constitute proper notification of a change in correspondence address:

(A) the mere inclusion, in a paper filed in an application for another purpose, of an address differing from the previously provided correspondence address, without mention of the fact that an address change was being made;

(B) the notification on a paper listing plural applications as being affected (except as provided for under the Customer Number practice - see MPEP § 403); or

(C) the lack of notification, or belated notification, to the U.S. Patent and Trademark Office of the change in correspondence address.

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 C.F.R. 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 C.F.R. §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 C.F.R. §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).

35 U.S.C. §133 and §151 each require a showing that the "delay" was "unavoidable," which requires not only a showing that the delay which resulted in the abandonment of the application was unavoidable, but also a showing of unavoidable delay until the filing of a petition to revive. See *In re Application of Takao*, 17 USPQ2d 1155 (Comm'r Pat. 1990).

The burden of continuing the process of presenting a grantable petition in a timely manner likewise remains with the applicant until the applicant is informed that the petition is granted. *Id.* at 1158. Thus, an applicant seeking to revive an "unavoidably" abandoned application must cause a petition under 37 C.F.R. §1.137(a) to be filed without delay (i.e., promptly upon becoming notified, or otherwise becoming aware, of the abandonment of the application).

An applicant who fails to file a petition under 37 C.F.R. §1.137(a) “promptly” upon becoming notified, or otherwise becoming aware, of the abandonment of the application will not be able to show that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(a) was unavoidable. The removal of the language in 37 C.F.R. §1.137(a) requiring that any petition thereunder be “promptly filed after the applicant is notified of, or otherwise becomes aware of, the abandonment” should **not** be viewed as: (A) permitting an applicant, upon becoming notified, or otherwise becoming aware, of the abandonment of the application, to delay the filing of a petition under 37 C.F.R. §1.137(a); or (B) changing (or modifying) the result in *In re Application of S*, 8 USPQ2d 1630 (Comm’r Pat. 1988), in which a petition under 37 C.F.R. §1.137(a) was denied due to the applicant’s deliberate deferral in filing a petition under 37 C.F.R. § 1.137. An applicant who deliberately chooses to delay the filing of a petition under 37 C.F.R. §1.137 (as in *Application of S*, 8 USPQ2d at 1632) will not be able to show that “the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to [37 C.F.R. §1.137(a)] was unavoidable” or even make an appropriate statement that “the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to [37 C.F.R. §1.137(b)] was unintentional.”

The dismissal or denial of a petition under 37 C.F.R. §1.137(a) does not preclude an applicant from obtaining relief pursuant to 37 C.F.R. 1. §137(b) on the basis of unintentional delay (unless the decision dismissing or denying the petition under 37 C.F.R. 1.137(a) indicates otherwise). In such an instance, a petition under 37 C.F.R. 1.137(b) may be filed accompanied by the fee set forth in 37 C.F.R. §1.17(m), the required reply, a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional, and any terminal disclaimer required by 37 C.F.R. §1.137(c). Form PTO/SB/61 or PTO/SB/61PCT may be used to file a petition for revival of an unavoidably abandoned application.

Petitioner always should consult the Office website (www.uspto.gov) to determine the then-current fee(s) applicable).

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

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

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

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

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.²

As to Allegations of Unavoidable Delay

The requirements under 37 C.F.R. §1.137(a) have not been satisfied as of this writing in that Petitioner failed to make the showing of unavoidable delay and provide a reply to the Office action as required.

As of this writing Petitioner has failed to support the allegation of unavoidable delay.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.137(a) is **dismissed**.

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).

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See:

http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, 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,” and a terminal disclaimer and fee where appropriate. (The statement is in the form available online.)

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

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

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

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2³) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



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

³ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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



**TERESA LEIGH BARR
1908 ORCHARD ROAD
HOOD RIVER OR 97031**

MAILED

AUG 14 2009

OFFICE OF PETITIONS

In re Application of :
Adam A. PACHECO et al. :
Application No. 11/054,312 : **DECISION ON PETITION**
Filed: February 09, 2005 :
Attorney Docket No. N/A :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 01, 2009, to revive the above-identified application.

The petition is **dismissed**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the fee required by law is \$1,620. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one-half of the amount indicated. See 37 CFR 1.27.

The petition in the above-identified application was accompanied by a Credit Card Payment Form PTO-2038 indicating that a credit card should be charged of the required fee; however, the U.S. Patent and Trademark Office has not been able to charge the credit card. Therefore the required fee has not been received. No consideration on the merits can be given to the petition until the required fee is received.

The statement of delay is not acceptable. In this regard, petitioner's attention is directed to 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.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

Therefore, as the petition is not signed by all the inventors and the record herein fails to disclose that petitioner herein (Teresa Leigh Barr) was ever given a power of attorney to act on behalf of inventor Adam A. Pacheco, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the petition is considered to not contain a proper statement of unintentional delay.

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 Niketa I. Patel at (571) 272-4156 or in her absence, the undersigned at (571) 272-7099.


David Bucci
Petitions Examiner
Office of Petitions



TERESA LEIGH BARR
1908 ORCHARD ROAD
HOOD RIVER, OR 97031

MAILED

NOV 09 2009

In re Application of :
Adam A. PACHECO et al. :
Application No. 11/054,312 :
Filed: February 09, 2005 :
Attorney Docket No. N/A :

OFFICE OF PETITIONS
ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 31, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

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

The statement of delay is not acceptable. On this regard, petitioner's attention is directed to 37 CFR 1.137(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.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is not properly signed by a registered attorney or agent acting in a representative capacity.

Therefore, as the petition is not signed by all the inventors and the record herein fails to disclose that petitioner herein (Teresa Leigh Barr) was ever given a power of attorney to act on behalf of the inventor Adam A. Pacheco, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the petition is considered to not contain a proper statement of unintentional delay.

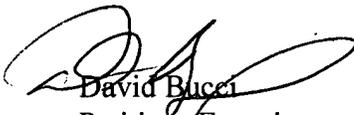
Further correspondence with respect to this matter should be addressed as follows:

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 Ella Colbert at (571) 272-6051 or in her absence, the undersigned at (571) 272-7099.



David Buccer
Petitions Examiner
Office of Petitions

cc: JOHN M. HARRISON
 2139 E. BERT KOUNS
 SHREVEPORT, LA 71105



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

**TERESA LEIGH BARR
1908 ORCHARD ROAD
HOOD RIVER, OR 97031**

MAILED

FEB 24 2010

OFFICE OF PETITIONS

In re Application of :
Adam A. PACHECO et al. :
Application No. 11/054,312 :
Filed: February 9, 2005 :
Attorney Docket No. 9618 :

ON PETITION

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

The petition is **GRANTED**.

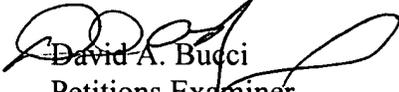
The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed November 1, 2007, which set a shortened statutory period for reply of three (3) months. A reply was received on April 28, 2008, which is after the expiration of the period for reply (including a total extension of time of 2 months) which expired on April 1, 2008. Accordingly, the above-identified application became abandoned on April 2, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee of \$810; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of November 1, 2007 is accepted as having been unintentionally delayed.

The Change of Address filed on November 30, 2009 cannot be approved because it was not signed by all of the inventors as required by 37 CFR 1.33.

Telephone inquiries concerning this decision should be directed to Olisa Anwah at (571) 272-6051 or in his absence, the undersigned at (571) 272-7099.

The application file is being referred to Technology Center AU 1615 for appropriate action on the concurrently filed amendment.


David A. Bucci
Petitions Examiner
Office of Petitions

cc: **Adam A. PACHECO**
5341 Greta Garbo
LAS VEGAS NV 89031



DORSEY & WHITNEY
555 CALIFORNIA STREET
SUITE 1000
SAN FRANCISCO, CA 94104

COPY MAILED

MAR 14 2006

OFFICE OF PETITIONS

In re Application of	:	
W. Edward Naugler Jr. et al	:	DECISION ON PETITION
Application No. 11/054,320	:	TO MAKE SPECIAL UNDER
Filed: February 8, 2005	:	37 CFR 1.102(c)(1)
Attorney Docket No. 34135/US/4	:	

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

The petition is **GRANTED**.

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

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

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

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

This matter is being referred to Technology Center AU 2821 for action on the merits commensurate with this decision.

Wan Laymon
Wan Laymon
Petitions Examiner
Office of Petitions

cc: HOWREY
1950 UNIVERSITY AVENUE, 4TH FLOOR
EAST PALO ALTO, CA 94303



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

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

COPY MAILED
MAR 15 2006
OFFICE OF PETITIONS

In re Application of	:	
W. Edward Naugler, Jr. et al	:	
Application No. 11/054,324	:	DECISION ON PETITION
Filed: February 8, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 34135/US/6/RMA (474125-31	:	37 CFR 1.102(c)(1)
	:	

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

The petition is **GRANTED**.

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

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

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

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

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


Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Vinay V. Joshi
1950 University Avenue, 4th Floor
East 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

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

Mail Date: 04/21/2010

Applicant	: John D. Petricca	: DECISION ON REQUEST FOR
Patent Number	: 7631757	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/054,326	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1075** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



OCCHIUTI ROHLICEK & TSAO LLP
10 FAWCETT STREET
CAMBRIDGE MA 02138

COPY MAILED

MAR 03 2008

OFFICE OF PETITIONS

In re Application of :
Suhr, et al. :
Application No. 11/054,328 : ON PETITION
Filed: February 8, 2005 :
Attorney Docket No. 18811-002001 / :
P1225 / US :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, and the petition to revive under 37 CFR 1.137(a), both filed on February 15, 2008.

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

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

The application was held abandoned due to failure to pay the issue and publication fees as required by the Notice of Allowance mailed October 9, 2007. No issue and publication fees having been received, the application became abandoned on January 10, 2008. The Office mailed a Notice of Abandonment on February 5, 2008.

To establish nonreceipt of an Office action, a petitioner must:
1) include a statement that the Office action was not received;
2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and 3)
include a copy of the docket record where the nonreceived Office action would have been entered had it been received and

docketed.¹ A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."² "For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket record showing **all** replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted..."³

With the instant petition, petitioner has submitted a copy of a proper docket report, showing all of his replies docketed for the due date of January 9, 2008. An entry for the instant application is absent, supporting the conclusion that the Notice of Allowance was not received.

Receipt of the issue and publication fees is acknowledged.

Given the basis for granting this petition, consideration of the petition under 37 CFR 1.137(a) was not necessary, and accordingly, the petition fee of \$510 has been refunded to Deposit Account No. 50-4189.

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

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



Cliff Congo
Petitions Attorney
Office of Petitions

¹ See MPEP 711.03(c)(II).

² MPEP 711.03(c)(II) (emphasis added).

³ Id.



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

SONNENSCHN NATH & ROSENTHAL LLP
P.O. BOX 061080
SOUTH WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606

COPY MAILED

SEP 22 2008

OFFICE OF PETITIONS

In re Application of :
ADAMS, et al. :
Application No. 11/054,330 :
Filed: February 9, 2005 :
Attorney Docket No. MONS:137US :

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 September 19, 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 August 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 1661 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Monica A. Graves
Petitions Examiner
Office of Petitions

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

SONNENSCHN NATH & ROSENTHAL
LLP
P.O. BOX 061080
SOUTH WACKER DRIVE STATION,
WILLIS TOWER
CHICAGO IL 60606

COPY MAILED
DEC 22 2009
OFFICE OF PETITIONS

In re Patent No. 7,560,611 :
Adams et al. :
Issue Date: July 14, 2009 :
Application No. 11/054,330 : DECISION ON REQUEST FOR
Filed: February 9, 2005 : RECONSIDERATION OF
Attorney Dkt. No. MONS:137US : PATENT TERM ADJUSTMENT
Title: Method and Apparatus For :
Substantially Isolating Plant :
Tissue :
:

This is in response to the "Request For Reconsideration of Patent Term Adjustment Under 37 CFR 1.705(d)" filed September 11, 2009. Patentees request that the patent term be increased from 168 days to 371 days.

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

On July 14, 2009, the above-identified application matured into US Patent No. 7,560,611 with a patent term adjustment of 168 days. This request for reconsideration of patent term adjustment (including the required fee) was timely filed within two months of the issue date of the patent. See 37 CFR 1.705(d).

Patentees request recalculation of the patent term adjustment based on the decision in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentees assert entitlement to an additional 223 days of patent term adjustment pursuant to 37 CFR § 1.703(b). Thus, patentees request that the determination of patent term adjustment be increased to a total of three hundred seventy-one (371) days (205 under 37 CFR 1.702(a) + 223 days under 37 CFR 1.702(b) - 57 days of applicant delay under 37 CFR 1.704). The 57 days of applicant delay are not in dispute.

A request for continued examination (RCE) was filed September 19, 2008. The Office finds that as of September 18, 2008, the day before the date the filing of the RCE, the application was pending three years and 222 days after its filing date. Prior to the filing of the RCE on September 19, 2008, the application was accorded 203 days of patent term adjustment (169 days pursuant to 37 CFR 1.702(a)(1), 13 days pursuant to 37 CFR 1.702(a)(2), and 21 days pursuant to 37 CFR 1.702(a)(2)). At issue is whether patentee should accrue an additional 222 days of patent term adjustment for the Office taking in excess of three years to issue the patent as well as 203 days for Office failure to take a certain action within a specified time frame (or 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, 37 CFR 1.703(f) provides that:

To the extent that periods of delay attributable to the grounds specified in §1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under

35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 56366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004).

As such, the period for over 3 year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the entire period during which the application was pending before the Office, February 9, 2005 to September 18, 2008 (the day before the filing of the RCE). This 222 days of pendency over three years is the relevant period for considering overlap. Prior to the filing of the RCE, 203 days of patent term adjustment were accorded for Office delay pursuant to 37 CFR §§1.702(a). Entry of both 222 days pursuant to 37 CFR §1.702(b) for the Office taking in excess of three years to issue the patent and 203 days pursuant to 37 CFR §1.702(a) for Office examination delay is neither permitted nor warranted. The Office did not delay 203 days and also delay another 222 days. Thus, notwithstanding the additional adjustment of two days pursuant to 37 CFR 1.702(a)(4) that accrued subsequent to the filing of the RCE and the 57 days of applicant delay, as of the filing of the RCE on September 19, 2008, 222 days, is the actual number of days issuance of the

patent was delayed by the Office. It is noted that the Office entered an additional 20 days of adjustment for over three year delay.

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

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

The address provided on the petition differs from the correspondence address of record. A courtesy copy of this decision is being mailed to the address given on the petition. 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 Charlema Grant, Petitions Attorney, at (571) 272-3215.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions
Office of Deputy Commissioner
For Patent Examination Policy

Cc: SONNENSCHNEIN NATH & ROSENTHAL LLP
2000 McKinney, Suite 1900
Dallas, Texas 75201



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

SONNENSCHN NATH & ROSENTHAL LLP
P.O. BOX 061080
SOUTH WACKER DRIVE STATION, WILLIS TOWER
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Whitney Adams	: DECISION ON REQUEST FOR
Patent Number	: 7560611	: RECALCULATION OF PATENT
Issue Date	: 07/14/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/054,330	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **370** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



HOWREY
1950 UNIVERSITY AVENUE, 4TH FLOOR
EAST PALO ALTO, CA 94303

COPY MAILED

MAR 2 2 2006

OFFICE OF PETITIONS

In re Application of :
W. Edward Naugler, Jr. et al : **DECISION ON PETITION**
Application No. 11/054,332 : **TO MAKE SPECIAL UNDER**
Filed: February 8, 2005 : **37 CFR 1.102(c)(1)**
Attorney Docket No. 05149.0012.NPUS02 :

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

The petition is **GRANTED**.

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

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

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

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

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

Wan Laymon
Wan Laymon
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

COPY MAILED

DEC 19 2006

OFFICE OF PETITIONS

In re Application of :
Han et al. :
Application No. 11/054,337 :
Filed: February 10, 2005 :
Attorney Docket No. 9988.194.00 :

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed October 11, 2006, to change the order of the names of the inventors.

The petition is **GRANTED**.

The order of the names of the inventors will be changed as follows:

1. Dae Yeong HAN
2. Nung Seo PARK
3. Seung Bong CHOI
4. Sang Heon YOON

A Corrected Filing Receipt is enclosed, reflecting the change.

This matter is now being referred to Technology Center 1700 for examination on the merits.

Telephone inquiries should be directed to the undersigned at (571) 272-3206. All other inquiries should be directed to Technology Center 1700.


Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt


UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/054,337	02/10/2005	1746	1130	9988.194.00	10	18	1

30827
 MCKENNA LONG & ALDRIDGE LLP
 1900 K STREET, NW
 WASHINGTON, DC 20006

CONFIRMATION NO. 5812
CORRECTED FILING RECEIPT
OC00000021655164
 OC000000021655164

Date Mailed: 12/18/2006

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)

Dae Yeong Han, Seoul, KOREA, REPUBLIC OF;
 Nung Seo Park, Incheon, KOREA, REPUBLIC OF;
 Seung Bong Choi, Changwon-si, KOREA, REPUBLIC OF;
 Sang Heon Yoon, Seoul, KOREA, REPUBLIC OF;

Assignment For Published Patent Application

LG Electronics Inc., Seoul, KOREA, REPUBLIC OF

Power of Attorney:

Matthew Bailey--33829	Kurt Eaton--51640
Song Jung--35210	George Ballas--52587
Eric Nuss--40106	Valerie Hayes--53005
Rebecca Rudich--41786	
Anthony Josephson Jr--45742	

Domestic Priority data as claimed by applicant
Foreign Applications

REPUBLIC OF KOREA P2004-73398 09/14/2004

If Required, Foreign Filing License Granted: 03/11/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/054,337**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Dishwasher

Preliminary Class

134

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).



KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS MN 55415-1002

COPY MAILED

JUN 19 2009

OFFICE OF PETITIONS

In re Application of :
JAGGER et al. :
Application No. 11/054,341 : DECISION ON PETITION
Filed: 02/09/2005 :
Attorney Docket No. V180.12-0009 :

This is a decision on the petition under 37 CFR 1.181, filed March 11, 2009, to withdraw the holding of abandonment.

On July 9, 2008, the Office mailed a final Office action, which set a three-month shortened statutory period to respond. Extensions of time for response were available. In the apparent absence of a timely and proper response, the application was held abandoned and a Notice of Abandonment was mailed on February 4, 2009.

In the present petition, petitioners assert that they filed a timely and proper response to the final Office action via Express Mail Service on December 4, 2008. A copy of the response in the form of the RCE, amendment, and a request for an extension of time within the second month accompany the petition. Petitioners explain that they incorrectly identified the application number in the heading of the response as 11/054,314, rather than the intended application number of 11/054,341. Further, petitioners assert that the header contained seven additional identifiers for this case without typographical errors, including the first named inventor, filing date, title, docket number, group art unit, examiner's name, and the confirmation number.

After a brief search, the response was located in the file of Application No. 11/054,314. A review of the correspondence indicates that the USPTO received the response on December 4, 2008, but it was not matched with the file due to the incorrect application number.

Under current Office procedure, if a paper having an incorrect application number contains sufficient information to identify the correct application and was timely received at the Office, the holding of

abandonment will be withdrawn. In reviewing the papers, it is concluded that there was sufficient information thereon to associate the papers with the present application file.

For the reasons stated above, the petition is **granted**. The application was not abandoned in fact as the Office timely received a proper reply accompanied by an extension of time for response within the second month.

The Office will transfer the RCE, amendment, request for an extension of time for response within the second month, and the \$650.00 payment filed on December 4, 2008, from Application No. 11/054,314 to the intended Application No. 11/054,341.

The matter is being referred to Technology Center Art Unit 3772 for appropriate action on the reply filed December 4, 2008.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3211. All other questions regarding the status of the application or the examination process should be directed to the Technology Center.



Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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

COPY MAILED

JUN 03 2008

In re Application of :
Kremple, et al. :
Application No. 11/054,343 : **ON PETITION**
Filed: 8 February, 2005 :
Attorney Docket No. 1173-1038PUS5 :

This is a decision on the petition, filed on 30 January, 2007, which is being treated as a petition requesting that the requirement of 37 C.F.R. §1.98 be waived or suspended pursuant to 37 C.F.R. §1.183 in order to file *via* compact disc, rather than paper, the references in question. The petition was accompanied by the petition fee.

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

The petition is **DISMISSED**.

The regulations at 37 C.F.R. §1.183 provide 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 Commissioner.

The guidance provided in the Commentary at MPEP §609 provides in pertinent part:

U.S.C. §111(a), applicants and other individuals substantively involved with the preparation and/or prosecution of the application have a duty to submit to the Office information which is

material to patentability as defined in 37 C.F.R. §1.56. The provisions of 37 C.F.R. §1.97 and 37 C.F.R. §1.98 provide a mechanism by which patent applicants may comply with the duty of disclosure provided in 37 C.F.R. §1.56. Applicants and other individuals substantively involved with the preparation and/or prosecution of the patent application also may want the Office to consider information for a variety of other reasons; e.g., to make sure that the examiner has an opportunity to consider the same information that was considered by these individuals, or by another patent office in a counterpart or related patent application filed in another country.

The guidance in the Commentary at, *inter alia*, MPEP §609.07 and §609.08 provides to Petitioner information such as may be required as to the filing and processing of IDS materials via EFS.

Thus, the issue raised by the instant petition is moot, and there is neither an extraordinary situation such that justice requires waiver, nor, thus, a need of waiver of the provisions of 37 C.F.R. §1.98 pursuant to 37 C.F.R. §1.183.

The petition is **dismissed**.

This application is referred to the Office of Patent Application Processing (OPAP) (formerly the Office of Initial Patent Examination (OIPE)) for further processing in advance of substantive examination in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2¹) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).



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

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

§1.2 Business to be transacted in writing.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 04/21/2010

Applicant	: Christine D. Krempel	: DECISION ON REQUEST FOR
Patent Number	: 7662397	: RECALCULATION OF PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/054,343	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/08/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1308** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

SEP 23 2005

OFFICE OF PETITIONS

**VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO CA 95014**

In re Application of :
Pierce Keating et al :DECISION GRANTING FILING
Application No. 11/054,345 :DATE OF February 8, 2005
Filed: February 8, 2005 :
Attorney Docket No. RADIP006 :

This is a decision on the petition filed April 21, 2005, requesting that the above-identified application be accorded a filing date of February 8, 2005.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on February 8, 2005, pursuant to 37 CFR 1.10. In support, petitioner has submitted a copy of Express Mail label No. EV323819233US showing a Date-In of February 8, 2005, and the stamp date of February 8, 2005, in Cupertino CA. The same Express Mail receipt number appears on the original "Utility Patent Application Transmittal."

In view of the above, it is concluded that the application was deposited as "Express Mail" with the USPS on **February 8, 2005**.

The petition is granted.

Telephone inquiries specific to this decision on petition should be directed to Karen Creasy at (571) 272-3208.

This matter is being referred to Technology Center AU 2664, since a corrected filing receipt has been mailed.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

TERENCE P. O'BRIEN
AMER SPORTS NORTH AMERICA
8750 W. BRYN MAWR AVENUE
CHICAGO IL 60631

MAILED

MAY 06 2010

OFFICE OF PETITIONS

In re Application of :
Stewart et al. :
Application No. 11/054376 :
Filing or 371(c) Date: 02/09/2005 :
Title of Invention: :
ELLIPTICAL EXERCISE EQUIPMENT :
WITH STOWABLE ARMS :

**DECISION ON
PETITION**

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 C.F.R. § 1.137(b), filed February 5, 2010.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 30, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed October 30, 2009. Accordingly, the date of abandonment of this application is January 31, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee and the publication fee; (2) the petition fee; and (3) a proper statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

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

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

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

Mail Date: 04/21/2010

Applicant	: Tadashi Araki	: DECISION ON REQUEST FOR
Patent Number	: 7602995	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/054,396	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1162** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

Mail Date: 05/18/2010

Applicant	: Tadashi Araki	: NOTICE CONCERNING IMPROPER
Patent Number	: 7602995	: CALCULATION OF PATENT TERM
Issue Date	: 10/13/2009	: ADJUSTMENT BASED UPON USPTO
Application No	: 11/054,396	: IMPROPERLY MEASURING REDUCTION
Filed	: 02/10/2005	: 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 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 **1275** 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

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

MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park, NC 27709

Mail Date: 04/21/2010

Applicant	: Lai-Xi Wang	: DECISION ON REQUEST FOR
Patent Number	: 7604804	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/054,398	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **183** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

H.A

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.
-----------------	-------------	----------------------	---------------------	------------------

11/054,414

02/09/2005

Detlef Schulz

4965-209/CO

9192

27572 7590 09/27/2007
HARNES, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

LAXTON, GARY L

ART UNIT	PAPER NUMBER
----------	--------------

2838

MAIL DATE	DELIVERY MODE
-----------	---------------

09/27/2007

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.



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.
---------------------------------	-------------	---	---------------------

11054414

EXAMINER

ART UNIT	PAPER
----------	-------

20070917

DATE MAILED:

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

Commissioner for Patents

RESPONSE TO PETITION UNDER 37 CFR 1.181

This is a RESPONSE TO PETITION UNDER CFR 1.181 filed 8/16/2007. Applicant having filed an RCE on 8/29/2007 subsequent to the filing of his peititon has rendered the petition MOOT. Accordingly, the Petition is hereby DISMISSED.

Karl D Easthom
SPE
Art Unit: 2838



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.
11/054,414	02/09/2005	Detlef Schulz	4965-209/CO	9192
27572	7590	06/04/2008	EXAMINER	
HARNES, DICKEY & PIERCE, P.L.C.			LAXTON, GARY L	
P.O. BOX 828			ART UNIT	PAPER NUMBER
BLOOMFIELD HILLS, MI 48303			2838	
			MAIL DATE	DELIVERY MODE
			06/04/2008	PAPER

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

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



062008

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

In re Application of: :
Detlef Schulz : : DECISION ON PETITION
Serial No.: 11/054,414 : :
Filed: February 9, 2005 : :
Attorney Docket No.: 4965-209/CO :

This is a response to the petition filed November 14, 2007, requesting reconsideration of a prior decision dismissing the petition filed August 16, 2007 as being mooted by the subsequent filing of a proper request for continued examination (RCE). The petition is before of the Director of Technology Center 2800 for review.

The petition is **DISMISSED**.

A final Office action was issued on April 12, 2007. An after-final amendment under 37 CFR 1.116 was filed July 30, 2007 along with a petition for an extension of time of one month. An Advisory Action was issued on August 2, 2007, informing the applicant that entry of the after-final amendment was refused.

A petition was filed on August 16, 2007, requesting that the finality of the Office action be withdrawn for being prematurely made and that the after-final amendment filed July 30, 2007 be entered and considered.

On August 29, 2007, an RCE was filed along with an extension of time for a second month. The required submission was the after-final amendment of July 30, 2007. Prosecution resumed and the claims were determined to be allowable and a Notice of Allowance was mailed on September 17, 2007.

In view of the filing of the RCE, the petition filed August 16, 2007, was dismissed as being moot in a decision mailed September 27, 2007.

The instant petition was filed on November 14, 2007. It is argued that pursuant to MPEP 1002

“The mere filing of a petition will not stay the period for replying to an examiner’s action which may be running against an application, nor act as a stay of other proceedings (37

CFR 1.181(f)). For example, if a petition to vacate a final rejection as premature is filed within 2 months from the date of the final rejection, the period for reply to the final rejection is not extended even if the petition is not reached for decision within that period.”

However, applicant was compelled under MPEP §§ 706.07(d) and 1002 to file an RCE to prevent the application from becoming abandoned. Therefore, to now assert that the applicant’s petition is rendered moot because of the subsequent filing of the RCE is completely incongruous.

It is first noted that the petition to withdraw the finality of the Office action was not timely filed pursuant to 37 CFR 1.181(f) because it was filed within two months of the date of the final Office action but after more than four months therefrom had elapsed. Second, the RCE was filed on August 29, 2007, within two weeks of the filing date of the petition. Third, the maximum period for reply to the final Office action expired on October 12, 2007.

While it is regrettable that the petition was not reviewed and rendered expeditiously as petitioner had expected, the filing of an RCE was a proper reply to a final Office action and the relief requested in the petition was no longer applicable. The dismissal of the petition in the decision of September 27, 2007 was proper.

In the future, when facing issues that required prompt resolution, it is suggested that the examiner’s Supervisory Patent Examiner (SPE) be contacted. The SPE’s direct supervisor such as the undersigned may also be contacted if necessary.

Inquiries regarding this decision should be directed to Akm Ullah, Supervisory Patent Examiner, at (571) 272-2361.



Janice A. Falcone, Group Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components



UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

SEP 02 2008

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

In re Application of :
Mikhail : DECISION ON PETITION
Application No: 11/054,421 :
Filed: February 9, 2005 :
Docket No.: H0007514-3134 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed July 17, 2008.

This application was held abandoned for failure to timely submit a proper reply to the restriction requirement mailed November 19, 2007. The restriction requirement set a one month (or 30 day, whichever is longer) shortened statutory period of time for reply. Notice of Abandonment was mailed August 21, 2008.

Petitioner asserts that a response to the restriction requirement was timely submitted on November 29, 2007 and have provided as proof of mailing and proof of USPTO receipt a return postcard dated November 29, 2007 acknowledging receipt of the reply. Petitioner has provided a copy of the reply purportedly filed November 29, 2007.

The original response submitted November 29, 2007 has not been located in the application file. However, the arguments and evidence submitted support the conclusion that a reply to the restriction requirement was timely filed November 29, 2007.

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

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

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to the person signing the

petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

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

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



Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: PAUL AMROZOWICZ
Ingrassia, Fisher and Lorenz, P.C.
7010 E. Cochise Rd.
Scottsdale, AZ 85253



PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
530 B STREET
SUITE 2100
SAN DIEGO CA 92101

COPY MAILED
DEC 21 2006
OFFICE OF PETITIONS

In re Application of	:	
Kevin Stone	:	
Application No. 11/054,459	:	DECISION ON PETITION
Filed: February 9, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 110866-ISE16	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(2)(i) & (ii), filed August 18, 2006, to make the above-identified application special based on the invention (a) materially enhancing the quality of the environment as set forth in M.P.E.P. § 708.02, Section V and (b) materially contributing to certain categories related to energy resource as set forth in M.P.E.P. § 708.02, Section VI.

The petitions are **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(i) and MPEP § 708.02, Section V: Environmental Quality, must state that special status is sought because the invention materially enhances the quality of the environment by contributing to the restoration or maintenance of basic life-sustaining natural elements. If the disclosure is not clear on its face that the claimed invention materially enhances the quality of the environment by contributing to the restoration or maintenance of one of the basic life-sustaining natural elements, the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. No fee is required.

The instant invention is directed to a system for mounting a heavy-duty alternator to an engine. However the allegation in the instant petition that the use of the system of instant invention with a gasoline hybrid engine would save gasoline use and thus eliminating any potential emissions associated therewith does not in itself satisfy the materiality standard i.e., the petitioner has failed to state how the claimed invention contributes in a significant, substantial, or noticeable manner to the quality of the environment by contributing to the restoration or maintenance of basic life-sustaining natural elements.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(ii) and MPEP § 708.02, Section VI: Energy, must state that special status is sought because the invention materially contributes to (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), hydrogen fuel technologies, nuclear energy, solar energy, etc. Category (B) would include inventions relating to the reduction of energy consumption in combustion

systems, industrial equipment, household appliances, etc. If the application disclosure is not clear on its face that the claimed invention materially contributes to category (A) or (B), the petition must be accompanied by a statement under 37 CFR 1.102 by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. No fee is required.

The invention is generally directed to a system for mounting a heavy-duty alternator to an engine. Although, the invention could lead to energy savings, when used with a hybrid engine, as alleged in the instant petition, it is noted that any energy savings would derive primarily from the use of the hybrid engine. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially contribute to category (A) or (B). Thus, the materiality standard of the rule has not been met, i.e., petitioner has failed to state how the claimed invention contributes in a significant, substantial, or noticeable manner to category (A) or (B).

This lack of meeting the materiality standards of 37 CFR 102(c)(2) (i) and (ii) does not permit the applicant to enjoy the benefit of advanced examination.

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

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

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

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Ramesh Krishnamurthy at 571-272-4914, or to the undersigned at 571-272-7099.

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

The application is being forwarded to the Technology Center Art Unit 3682 for action in its regular turn.


David Bucci
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Solae, LLC
4300 Duncan Avenue
Legal Department E4
St. Louis, MO 63110

Mail Date: 04/20/2010

Applicant : Richard Gagnon : DECISION ON REQUEST FOR
Patent Number : 7625441 : RECALCULATION of PATENT
Issue Date : 12/01/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/054,465 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/09/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **1100** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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	11/054,486
Filing Date	02/09/2005
First Named Inventor	NANDA, Puneet
Art Unit	1744
Examiner Name	
Attorney Docket Number	F06988US00

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.

The reasons for this request are: FAILURE TO PAY BILL

11-29-06
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

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 Raaj Jhamb c/o DR. FRESH, INC.

Address 6645 Caballero Blvd.

City Buena Park State CA Zip 90620

Country

Telephone

Email

Signature *Michael G. Voorhees*

Name Michael G. Voorhees

Registration No. 25,715

Date 8/29/2006

Telephone No. 515-288-3667

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.



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	: Kenichi Kawasaki	: DECISION ON REQUEST FOR
Patent Number	: 7596367	: RECALCULATION OF PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/054,468	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1124** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MUETING, RAASCH & GEBHARDT, P.A.
P.O. BOX 581336
MINNEAPOLIS, MN 55458-1336

Mail Date: 04/21/2010

Applicant	: Gregory T. Schulte	: DECISION ON REQUEST FOR
Patent Number	: 7580756	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/054,510	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1234** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



JGJr: 09-05

Paper No: __

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

COPY MAILED

SEP 09 2005

OFFICE OF PETITIONS

In re Application of :
Higashitaniguchi, et al. :
Application No. 11/054,538 : DECISION ON PETITION
Filed: 10 February, 2005 :
Attorney Docket No.: 31046.1354 :

This is a decision on the petition filed on 18 July, 2005, under 37 C.F.R. §1.47(a).

The petition is **GRANTED**.

BACKGROUND AND ANALYSIS

The record reflects that:

- the instant application was filed on 10 February, 2005, absent, *inter alia*, a fully executed oath/declaration;
- on 14 April, 2005, the Office mailed a Notice of Missing Parts, indicating therein, *inter alia*, a two-month period for reply absent extension of time;
- on 18 July, 2005, Petitioner William Herbert (Reg. No. 31,024) replied with an oath/declaration signed by co-inventors Higashitaniguchi, Konoshita and Tokunaga (on behalf of themselves and), but without the signature of non-signing inventor Yoshihiro Shimizu (Mr. Shimizu), and with a statement by Petitioner as to the process of sending

the entire application (description, claims, abstract and drawings) for review, with the oath/declaration for signature, and supported said statement with a copy of the transmittal letter.

Lastly, Petitioner has submitted a declaration in compliance with 37 C.F.R. §1.63 and §1.64 and Petitioner has shown that such action is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(a).

This application hereby is **ACCORDED status under 37 C.F.R. §1.47(a)**.

As provided under 37 C.F.R. §1.47(a), the Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition.

Notice of the filing of this application also will be published in the Official Gazette.

This file is released to OIPE for processing as necessary to reflect the instant decision before being released for examination in due course.

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



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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date

July 6, 2004

Patent No. :6,991,277
Inventor :Craig E. Ester
Patent Issued :January 31, 2006
Docket No. :TTC-18402/08

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.

Review of the application file reveals that correspondence to support entry of reference data as noted in applicants' request for correction is not found in the records of the Patent and Trademark office. Accordingly, a signed and dated copy of applicants 1449 or PTO-892 reflecting the requested references considered by the examiner is required for further consideration.

In view of the foregoing, applicants request is hereby denied. Telephone inquiries should be directed to Ms. A. Green at (703) 308-9380 ext 123.

Cecelia Newman
(Cecelia Newman
Decisions & Certificates
of Correction Branch

(703) 308-9390 or (703) 308- *9380 ext. 123*

Thomas E. Anderson
Giffore, Krass, Groh, Sprinkle,
Anderson & Citkowski, P.C.
P.O. Box 7021
Troy, MI 48007-7021

CBN/arg



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov
DW Aug-07

DUNLAP, CODDING & ROGERS P.C.
PO BOX 16370
OKLAHOMA CITY OK 73113

COPY MAILED

AUG 08 2007

OFFICE OF PETITIONS

In re Application of :
Bor-Jier Shiau :
Application Number: 11/054582 :
Filing Date: 02/09/2005 : DECISION ON PETITION
Attorney Docket Number: :
7683.006 :

This is a decision on the "PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT PURSUANT TO 37 CFR § 1.137(b)," filed on 17 April, 2007, which is treated as a petition under 37 CFR 1.137(b)¹ to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on 28 August, 2006, for failure to file a timely appeal brief in response to the Notice of Appeal filed on 27 June, 2006, which set a two (2) month shortened period for reply. No extensions of the time for reply were filed in accordance with 37 CFR 1.136(a). Notice of Abandonment was mailed on 24 January, 2007.

Petitioner states that a continuation application has been filed. As such, the subject petition will be treated as a request to

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

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

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

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

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

revive the instant application for copendency with a continuation application. A review of Office PALM records reveals that continuation application No. 11/638,628 was filed on 13 December, 2006.

Since this application is revived for purposes of continuity only with continuing Application No. 11/638,628, filed on 13 December, 2006, and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of the above-referenced application.

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.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply.² The four (4)-month extension request filed on 17 April, 2007, was submitted more than five (5) months after the end of the period for reply to the Notice of Appeal filed on 27 June, 2006, and therefore is unnecessary. The extension of time fee paid on 17 April, 2007, will be credited to counsel's deposit account as authorized.

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


Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

² See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).



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.
11/054,587	02/10/2005	Radoslav Adzic	BSA 05-02	7612
26302	7590	05/28/2008	EXAMINER	
BROOKHAVEN SCIENCE ASSOCIATES/ BROOKHAVEN NATIONAL LABORATORY BLDG. 185 - P.O. BOX 5000 UPTON, NY 11973			CANTELMO, GREGG	
			ART UNIT	PAPER NUMBER
			1795	
			NOTIFICATION DATE	DELIVERY MODE
			05/28/2008	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):

ott@bnl.gov
pacella@bnl.gov
lneiger@bnl.gov



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mailed: 5-28-08

wk

In re application of	:	
R. Adzic et al.	:	DECISION ON
Serial No. 11/054,587	:	PETITION
Filed: 02/10/2005	:	
For: Palladium-Cobalt Particles As Oxygen-Reduction	:	
Electrocatalysts	:	

This is a decision on PETITION TO EXPUNGE UNDER 37 C.F.R. 1.59(b), filed October 25, 2007, which has been accepted as a timely petition under 1.59(b) and MPEP 724.02 and is before the Group Director of Technology Center for consideration.

DECISION

Petitioner requests that the documents submitted on October 19, 2007 be expunged. Each of the criteria for granting the request has been satisfied, see the MPEP 724.05.

The petition is **GRANTED.**

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

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

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

11/054,587

The images will be removed from the Official file.

Jacqueline M. Stone

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

Lori-Anne Neiger
BROOKHAVEN SCIENCE ASSOCIATES/
BROOKHAVEN NATIONAL LABORATORY
BLDG. 185 - P.O. BOX 5000
UPTON NY 11973

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : February 09, 2007

TO SPE OF : ART UNIT 2833

11/054392

SUBJECT : Request for Certificate of Correction on Patent No.: 7090525 B1

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

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

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

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

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

Thank You For Your Assistance

Elisha Evans
Certificates of Correction Branch
Tel. No. 703-308-9390 EXT 110

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments:

P. AUSTIN BRADLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Paul Bradley

SPE

2833
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Altman & Martin
6 Beacon St.
Suite 600
Boston, MA 02108

SEP 20 2005

In re Application of:	:	
Annis	:	DECISION ON PETITION
Serial No.: 11/054,596	:	TO MAKE SPECIAL
Filed: February 9, 2005	:	
Docket No.: ANNII40681	:	

This is a decision on the petition under 37 C.F.R. § 1.102(c), filed February 9, 2005, to make the above-identified application special.

Petitioner requests that the above-identified application be made special under the accelerated examination procedure set forth in the Manual of Patent Examining Procedure (M.P.E.P.) § 708.02, Section IV: Applicant's Age.

A grantable petition to make special under 37 C.F.R. § 1.102, and in accordance with M.P.E.P. § 708.02, Section IV, must include evidence showing that the applicant is sixty five (65) years of age or more. No fee is required for this petition.

The petition includes a copy of his passport and drivers license from the inventor, Martin Annis, showing that he is sixty-five (65) years of age or more.

Accordingly, the petition is GRANTED.

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

Inquiries regarding this decision should be directed to Edward Westin at (571) 272-1638.

Edward Westin
Edward Westin, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components



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

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

Mail Date: 04/21/2010

Applicant	: Michel Bessodes	: DECISION ON REQUEST FOR
Patent Number	: 7641914	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/054,612	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1334** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS, MN 55415-1002

Mail Date: 04/21/2010

Applicant	: Theodore W. Jagger	: DECISION ON REQUEST FOR
Patent Number	: 7604005	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/054,615	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **884** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO., EXAMINER, ART UNIT, PAPER NUMBER, MAIL DATE, DELIVERY MODE. Includes application number 11/054,624, inventor Nobuyoshi Tomita, and examiner Johns, Andrew W.

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.

Signature: Ricardo Clemons
Patent Publication Branch
Office of Data Management

02 FC:1111 -500.00 OP

04 FC:1202 -50.00 OP



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.
11/054,624	02/09/2005	Nobuyoshi Tomita	S1459.70127US00	8214

7590 01/10/2008
Randy J. Pritzker
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210-2206

EXAMINER

JOHNS, ANDREW W

ART UNIT	PAPER NUMBER
2624	

2624

MAIL DATE	DELIVERY MODE
01/10/2008	PAPER

01/10/2008

PAPER

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

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

Notice of Abandonment

Application No. 11/054,624	Applicant(s) TOMITA, NOBUYOSHI	
Examiner Johns, Andrew	Art Unit 2624	

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

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:


Rick Clemons Administrative
Assistant Art Unit: 3900

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



HUNTON & WILLIAMS LLP
Riverfront Plaza, East Tower
951 E. Byrd Street
Richmond VA 23219-4074

COPY MAILED

AUG 17 2005

OFFICE OF PETITIONS

In re Application of	:	
Garimella R. Sarma and Siva Mangalam	:	DECISION GRANTING STATUS
Application No. 11/054,642	:	UNDER 37 CFR 1.47(a)
Filed: February 9, 2005	:	
Attorney Docket No. 61076.000012	:	
Title of Invention: Active Sensor Circuit With One	:	
Or More T-Network Pairs	:	
	:	
	:	
	:	

This is in response to the petition under 37 CFR 1.47(a), filed July 11, 2005.

The petition is GRANTED.

Petitioner has shown that non-signing inventor Sarma has refused to join in the filing of the above-identified application. The petition attest a copy of the application was sent to the non-signing inventor. Petitioner states the application papers were received by the non-signing inventor. The failure of the inventors to respond to the application sufficiently establishes that the non-signing inventor refuses to execute the application papers.

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

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

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

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

Charlema R. Grant
Petitions Attorney
Office of Petitions



Garimella R. Sarma
905 Edgewater Drive
Newport News, VA 23602

In re Application of
Garimella R. Sarma and Siva Mangalam
Application No. 11/054,642
Filed: February 9, 2005
Attorney Docket No. 61076.000012
Title of Invention: Active Sensor Circuit With One
Or More T-Network Pairs

LETTER

COPY MAILED

AUG 17 2005

OFFICE OF PETITIONS

Dear Dr. Sarma:

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

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

Telephone inquiries regarding this communication should be directed to 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

HUNTON & WILLIAMS LLP
Riverfront Plaza, East Tower
951 E. Byrd Street
Richmond VA 23219-4074
ATTN: David E. Baker



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

DANIEL H. GOLUB
1701 MARKET STREET
PHILADELPHIA, PA 19103

COPY MAILED

AUG 24 2007

OFFICE OF PETITIONS

In re Application of	:	
Aziz et al.	:	
Application No. 11/054,668	:	DECISION GRANTING PETITION
Filed: February 9, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 063227-5001	:	

This is a decision on the petition, filed August 8, 2007, 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 February 8, 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.

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 November 29, 2007, accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 1761 for examination in due course.

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



Liana Walsh
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

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/054,668	02/09/2005	Adnan A. Aziz	063227-5001

CONFIRMATION NO. 7470

Daniel H. Golub
 1701 Market Street
 Philadelphia, PA 19103

Date Mailed: 08/22/2007

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

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

The projected publication date is 11/29/2007.

If applicant rescinded the nonpublication request before or on the date of "foreign filing," 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".



Quine Intellectual Property Law Group, P.C.
P.O. Box 458
Alameda, CA 94501

COPY MAILED

FEB 06 2008

In re Application of	:	OFFICE OF PETITIONS
Jefferson Foote	:	
Application No. 11/054,669	:	DECISION ON PETITION
Filed: February 8, 2005	:	TO WITHDRAW
Attorney Docket No. 115-000111US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed January 7, 2008.

The request is **APPROVED**.

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

The request was signed by Jonathan Alan Quine on behalf of all attorneys/agents associated with customer number 22798. All attorneys/agents of record associated with customer number 22798 have been withdrawn.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to the assignee. A courtesy copy of this decision will be mailed to the address noted on the request 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.

There are no outstanding Office actions 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: Arrowsmith Technologies, LLC
3727 Sunnyside Avenue North
Seattle, WA 98133

cc: Joseph Liebeschuetz
Townsend and Townsend and
Crew
379 Lytton Avenue
Palo Alto, CA 94301-1431



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
11/054,669	02/08/2005	Jefferson Foote	115-000111US

CONFIRMATION NO. 9257

POWER OF ATTORNEY NOTICE

22798
QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P O BOX 458
ALAMEDA, CA 94501



Date Mailed: 02/06/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/07/2008.

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

/kainabinet/

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

John D. DeLong
The Goodyear Tire & Rubber Company
Intellectual Property Law Department D/823
1144 East Market Street
Akron OH 44316-0001

COPY MAILED

DEC 13 2005

OFFICE OF PETITIONS

In re Application of :
Thielen et al. : DECISION DISMISSING
Application No. 11/054,676 : PETITION UNDER
Filed: February 9, 2005 : 37 CFR 1.78(a)(6)
Attorney Docket No. :
DN2001057C01 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed May 5, 2005, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed provisional Application No. 60/276,588, filed March 16, 2001.

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 the expiration of the period specified in 37 CFR 1.78(a)(5)(ii). 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) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

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

The Office notes that upon filing the instant nonprovisional application on February 9, 2005, applicants submitted a preliminary amendment to the specification, claiming priority to prior-filed nonprovisional and provisional applications. The Office noted the claim for priority of the prior-filed application in the preliminary amendment except for provisional Application No. 60/276,588, filed March 16, 2001.

Applicants state that the instant "renewed petition" replaces the renewed petition filed on September 1, 2004, in parent Application No. 10/084,890, which was dismissed by the decision of February 8, 2005, because the amendment submitted with the petition was not considered a proper reference under 37 CFR 1.78(a)(2).

The Office notes that the instant nonprovisional application was not filed within 12 months from the filing date of the prior-filed provisional Application No. 60/276,588. Therefore, the preliminary amendment to the specification is not acceptable as drafted because it improperly seeks to claim priority under 35 U.S.C. § 119(e) to provisional Application No. 60/276,588, filed March 16, 2001.

Accordingly, applicants must file a petition under 37 CFR 1.78(a)(3) in the instant Application No. 11/054,676 to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed provisional Application No. 60/276,588 and a substitute amendment¹ or an Application Data Sheet, which sets forth the relationship of the prior-filed provisional application. No additional petition fee is required.

Furthermore, in view of the circumstances, it is more appropriate for applicants to also file a renewed petition under 37 CFR 1.78(a)(3) and (a)(6) in the parent Application No. 10/084,890, filed February 27, 2002. A review of the record indicates that parent Application No. 10/084,890 is currently abandoned. However, applicants submitted the benefit claim to the prior-filed applications during the pendency of the parent application, but the benefit claim was not perfected. Therefore, applicants must perfect the benefit claim in the parent Application No. 10/084,890 in order to claim benefit to the prior-filed applications in the instant child nonprovisional application.

¹ Note 37 CFR 1.121 and 37 CFR 1.4(c).

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 Christina Tartera Donnell at (571) 272-3211.



Frances Hicks
Lead Paralegal
Office of Petitions
Office of the Deputy Commission
for Patent Examination Policy



John D. DeLong
The Goodyear Tire & Rubber Company
Intellectual Property Law Department D/823
1144 East Market Street
Akron OH 44316-0001

COPY MAILED

MAR 21 2006

OFFICE OF PETITIONS

In re Application of :
Thielen et al. : DECISION GRANTING PETITION
Application No. 11/054,676 : UNDER 37 CFR 1.78(a)(6)
Filed: February 9, 2005 :
Attorney Docket No. DN2001057C01 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed March 1, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to prior-filed provisional Application No. 60/276,588, filed March 16, 2001.

The petition is **GRANTED**.

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

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The 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 provisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(6) in that (1) a reference to the prior-filed provisional Application No. 60/276,588, has been included in a substitute amendment, as provided by 37 CFR 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains an adequate statement of unintentional delay.¹ Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 119(e) to the prior-filed provisional application satisfies the conditions of 37 CFR 1.78(a)(6), 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)(6) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 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 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 provisional Application No. 60/276,588, filed March 16, 2001, accompanies this decision on petition.

The USPTO finance records indicate that the Office mistakenly charged petitioner's Deposit Account an additional \$1,370.00 surcharge. As this duplicate payment of the surcharge is unnecessary, the Office will credit the amount to Deposit Account No. 07-1725.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Christina Tartera Donnell at (571) 272-3211.

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

¹ 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. In the instant petition, petitioners stated that "the entire delay between the date required for claim to benefit of the filing date of Serial No. 09/264,937, now U.S. 6,469,104 under 37 C.F.R. Section 1.78(a)(2) until the filing of a grantable petition under 37 C.F.R. Section 1.78(a)(6) was unintentional." The statement contained in the instant petition varies from the language required by 37 CFR 1.78(a)(6); however, the statement is being construed as "the entire delay between the date the claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed Application No. 60/276,588 was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional." If this is not a correct interpretation of the statement, petitioners must notify the Office of Petitions immediately.

This matter is being referred to Technology Center Art Unit 1713 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 119(e) to the prior-filed provisional application.

A handwritten signature in cursive script that reads "Frances Hicks".

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
11/054,676	02/09/2005	1713	1000	DN2001057C01		20	1

John D. DeLong
 The Goodyear Tire & Rubber Company
 Intellectual Property Law Department D/823
 1144 East Market Street
 Akron, OH 44316-0001

CONFIRMATION NO. 7791
CORRECTED FILING RECEIPT
OC000000018279659
 OC000000018279659

Date Mailed: 03/14/2006

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)

Georges Marcel Victor Thielen, Schouweiler, LUXEMBOURG;
 Howard Allen Colvin, Arlington, TX;

Assignment For Published Patent Application

The Goodyear Tire & Rubber Company

Power of Attorney:

Henry Young Jr--22329
 James Rozmajzl--24432
 Bruce Hendricks--30262
 Alvin Rockhill III--30417

Domestic Priority data as claimed by applicant

This application is a CON of 10/084,890 02/27/2002 ABN
 which is a CIP of 09/264,937 03/09/1999 PAT 6,469,104
 which claims benefit of 60/113,663 03/11/1998
 and claims benefit of 60/079,789 03/28/1998
 and claims benefit of 60/104,755 10/19/1998
 and claims benefit of 60/109,530 11/23/1998
 and claims benefit of 60/117,305 01/26/1999
 and claims benefit of 60/120,024 02/13/1999
 and said 10/084,890 02/27/2002
 claims benefit of 60/276,588 03/16/2001

Foreign Applications

If Required, Foreign Filing License Granted: 03/11/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/054,676

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Silica filled multi-viscoelastic response rubber

Preliminary Class

524

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).



KING & SPALDING LLP
191 PEACHTREE STREET, N.E.
45TH FLOOR
ATLANTA GA 30303-1763

COPY MAILED

FEB 01 2006

OFFICE OF PETITIONS

In re Application of :
Matthew L. Strange :
Application No. 11/054,694 : **DECISION REFUSING STATUS**
Filed: February 9, 2005 : **UNDER 37 CFR 1.47(b)**
Attorney Docket No. 04676.105112 (ATH235) :

This is in response to the petition under 37 CFR 1.47(b), filed October 19, 2005.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on February 9, 2005, naming Matthew L. Strange as the sole inventor, but without a without a signed oath or declaration.

Accordingly, on March 15, 2005, a "Notice To File Missing Parts of Application" was mailed, requiring a properly executed oath or declaration.

In response, the instant petition was filed FR 1.47(b), with a five month extension of time request and a certificate of mail dated October 17, 2005, because petitioners had not been successful in locating the inventor.

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

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;

- (4) a statement of the last known address of the non-signing inventor;
- (5) proof of proprietary interest, and
- (6) proof of irreparable damage.

The petition lacks items (1), (2) and (5).

While petitioners argue that Mr. Strange's most recent employers had no address for him, and while petitioners argue that phone listings searched in Lafayette, Indiana did not show any listings for Mr. Strange, petitioners have not shown that attempts to contact him at the last known address had been undertaken. The petition simply states that "the inventor does not appear to reside at that address...." Petitioners have not provided any evidence to substantiate the claim that Mr. Strange does not live at the last known address, other than it does not appear that he does.

Petitioners must present a showing that diligent efforts have been made to locate the non-signing inventor.¹ Before additional efforts to locate Mr. Strange are undertaken and before petitioners determine that Mr. Strange cannot be located, petitioners must first establish that Mr. Strange no longer lives at the last known address provided. Was mail sent to Mr. Strange at the last known address and returned undeliverable? What is petitioner's belief that Mr. Strange can't be located at his last known address based on?

After it is established that Mr. Strange no longer resides at the last known address petitioners can then provide details, in an affidavit or declaration of facts by a person with first hand knowledge of the details, of the additional efforts to locate Mr. Strange such as Internet, e-mail, or telephone directory searches, which have been undertaken to locate him, send or give a copy of the application papers to him, and request that he sign and return the declaration. If repeated attempts to contact Strange by telephone, mail, and e-mail, are unsuccessful, petitioners will have established that he cannot be found despite diligent efforts.

If Mr. Strange is located and he refuses in writing to sign the declaration, petitioners should provide a copy of that written refusal with any renewed petition. If a verbal refusal to sign is made to a person, details should be given in an affidavit or declaration of facts by a person having first hand knowledge of the facts of refusal.

Finally, if it is found that Mr. Strange is residing at a different address than that listed in the initial petition, petitioners should provide a new statement of the last known address in a renewed petition.

With respect to item (2), an oath or declaration for the patent application in compliance

¹MPEP 409.03(d).

with 37 CFR 1.63 and 1.64 has not been presented. The oath or declaration is defective in that the oath or declaration must identify the inventor by full name, including the family name and at least one given name without abbreviation, together with any other given name or initial. The oath or declaration must also identify the country of citizenship of the inventor.

In this case, a signature blank for the non-signing inventor must be included and can be left blank but nonetheless, must be included.

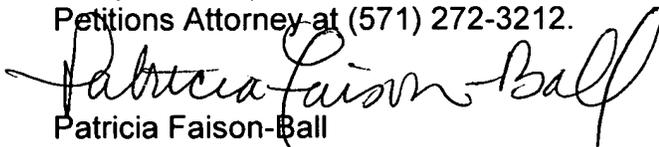
In regards to item (5), petitioner must provide proof that the Rule 1.47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application.² Petitioners should provide a copy of the employment agreement between the non-signing inventors and the Rule 1.47(b)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

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

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

By FAX: (571) 273-8300
 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

²MPEP 409.03(f).



KING & SPALDING LLP
191 PEACHTREE STREET, N.E.
45TH FLOOR
ATLANTA GA 30303-1763

COPY MAILED

OCT 18 2006

OFFICE OF PETITIONS

In re Application of :
Matthew L. Strange : DECISION NOTING JOINDER OF
Application No. 11/054,694 : INVENTOR AND PETITION UNDER
Filed: February 9, 2005 : 37 CFR 1.47(b)) DISMISSED AS
Attorney Docket No. 04676.105112 (ATH235) : INVOLVING MOOT ISSUES

A petition under 37 CFR 1.47(b) was filed October 19, 2005 and was dismissed in a decision mailed February 1, 2006.

Papers filed on July 27, 2006, with a four month extension of time, in reply to the "Decision Refusing Status Under 37 CFR 1.47(b)" mailed February 1, 2006, included a declaration signed by previously non-signing inventors, Matthew L. Strange, in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(b) is unnecessary.

The renewed petition filed July 27, 2006 is **DISMISSED** as involving moot issues.

This application does not have any rule 1.47(b) 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(b).

This matter will be referred to Technology Center 1614 for examination in due course.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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

COPY MAILED

MAR 03 2006

In re Application of :
Naugler et al. :
Application No. 11/054,708 :
Filed: February 8, 2005 :
Attorney Docket No. 05149.0012.NPUS01 :

OFFICE OF PETITIONS

ON PETITION

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

The petition is **GRANTED**.

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

The instant petition includes a statement signed by the application, including his date-of-birth. Accordingly, the above-identified application has been accorded "special" status.

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

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

This matter is being referred to the Technology Center Art Unit 2674 for action on the merits commensurate with this decision.

Liana Chase
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

INTERNATIONAL BUSINESS MACHINES CORPORATION
9000 SOUTH RITA ROAD
TUCSON, AZ 85744

COPY MAILED

JUL 3 1 2007

In re Application of
Paul Jonathan Quelch
Application No. 11/054,724
Filed: February 10, 2005
Attorney Docket No. GB920030078US2

:
:
:
:
:
:

OFFICE OF PETITIONS

ON PETITION

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

The petition is **GRANTED**.

The application became abandoned for failure to pay the issue fee on or before December 28, 2006. A Notice of Abandonment was mailed on January 29, 2007. On February 6, 2007, the present petition was filed.

It is noted that the person signing the instant petition is not an attorney of record in the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Jennifer M. Anda appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party on whose behalf she acts.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$1,400 issue fee and the \$300 publication fee; (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay.

The application is being referred to Publishing Division to be processed into a patent.

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


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



EVELYN M. SOMMER
17TH FLOOR
570 LEXINGTON AVENUE
NEW YORK NY 10022

MAILED

MAR 25 2010

OFFICE OF PETITIONS

In re Application of
Nina Sobell
Application No. 11/054,756
Filed: February 10, 2005
Attorney Docket No. ROUND

ON PETITION

This is a decision on the petition filed January 11, 2010, to revive the above identified application under 37 CFR 1.137(a)¹.

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

A Final Office Action was mailed June 9, 2009 and set a three (3) month shortened statutory period for reply. A response was filed September 9, 2009, but by Advisory Action of November 20, 2009, petitioner was advised that the response did not place the application in condition for allowance. Thus, the application became abandoned September 10, 2009. Accordingly, the Notice of Abandonment was mailed December 30, 2009.

The Commissioner may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Commissioner to be "unavoidable".² Decisions on reviving abandoned applications on

¹A 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.

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

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

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

²35 U.S.C. § 133.

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.³

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).⁴ 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.⁵

Petitioner asserts that the Advisory Action mailed November 20, 2009 was received just prior to the expiration of the six months response period (December 9, 2009), however, this was not noted or better, not appreciated at that time. In view thereof, petitioners have not provided any evidence to substantiate their argument that the delay in responding to the Final Office Action and the Advisory Action is unavoidable. The showing of record therefore is that the delay in responding to the Final Office Action and the Advisory Action was due to petitioners not acknowledging the Office Actions and thus the failure to timely respond is not therefore based on a circumstance that couldn't have been avoided, had the petitioner been more diligent.

³In *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).

⁴See MPEP 711(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay.

⁵*Ex parte Pratt*, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

Additionally, petitioner argues that because of ill health necessitating an implant (cardiac) during this period, a response to the office action was only mailed to the Commissioner of Patents on September 9, 2009.

If by that statement petitioner would have the agency to believe that the delay in responding to the Final Office Action and the Advisory Action was due to ill health and therefore unavoidable, petitioner has not provided any evidence to substantiate such a claim.

A showing of "unavoidable" delay based upon a medical or mental health situation, petitioner must provide a showing that petitioner was incapacitated as a result, and that the incapacitation was of such nature and degree as to render petitioner unable to conduct business (e.g., correspond with the Office) during the period between when the office action was mailed up until a grantable petition has been filed. Such a showing must be supported by a statement from a treating physician, and such statement must provide the nature and degree of petitioner's incapacitation during this above-mentioned period. The statement must also state the time period during which petitioner was or is incapacitated, and the degree to which the disability has impaired and continues to impair petitioner's ability to prosecute the instant patent application.

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.

The argument and the showing presented is insufficient to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).

ALTERNATIVE VENUE

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b),⁶ which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b). A petition under 37 CFR 1.137 (b) also carries with it a petition fee of \$810.00 for a small entity and \$1620.00 for a large entity and the \$270.00 petition fee paid with the instant petition cannot be credited towards the fee for the petition under 37 CFR 1.137(a), if petitioner chooses to file such.

As well, petitioner is advised that if he chooses to file a petition under the unintentional standard, the balance of the petition fee under the unavoidable standard must still be paid or the petition will not be addressed on its merits.

Petitioner should also note, the three periods to be considered during the evaluation of a petition under 37 C.F.R. §1.137(a) or (b) are the delay in:

- (1) reply that originally resulted in abandonment and from the abandonment until discovery thereof;
- (2) filing an initial petition pursuant to §1.137(b) to revive the application; and

⁶Effective 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 require additional information where there is a question whether the delay was unintentional; and

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

(3) filing a *grantable* petition pursuant to §1.137(b) to revive the application.⁷

Finally, the record reveals that after the abandonment and with the instant petition to revive, a three month extension of time was filed, however, pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$555.00 extension of time fee submitted with the petition on January 11, 2010 was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be refunded in due course.

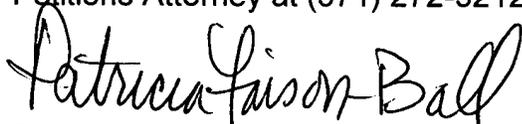
In summary, although the circumstances described by petitioner are most unfortunate, they do not constitute a showing of unavoidable delay. The petition will therefore be dismissed.

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

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

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

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



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

⁷ See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131 at 53158 (10 October, 1997).



EVELYN M. SOMMER
17TH FLOOR
570 LEXINGTON AVENUE
NEW YORK NY 10022

MAILED

MAY 25 2010

OFFICE OF PETITIONS

In re Application of
Nina Sobell
Application No. 11/054,756
Filed: February 10, 2005
Attorney Docket No. ROUND

:
:
:
:
:

ON PETITION

This is a decision on the REQUEST FOR RECONSIDERATION AND PETITION FOR REVIVAL OF UNINTENTIONALLY ABANDONED APPLICATION FOR PATENT filed May 6, 2010, to revive the above identified application under 37 CFR 1.137(b)¹.

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

A Final Office Action was mailed June 9, 2009 and set a three (3) month shortened statutory period for reply. A response was filed September 9, 2009, but by Advisory Action of November 20, 2009, petitioner was advised that the response did not place the application in condition for allowance. Thus, the application became abandoned September 10, 2009. Accordingly, the Notice of Abandonment was mailed December 30, 2009.

On January 11, 2010, Petitioner submitted a Request for Continued Examination (RCE)

¹Effective 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);

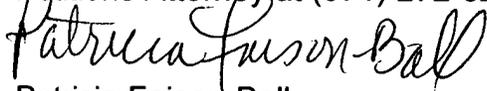
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

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

with a request that the previously filed amendment of September 9, 2009 be considered as the submission required under 37 CFR 1.114.

This matter is being referred to Technology Center 3735 for processing of the RCE.

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

A handwritten signature in cursive script that reads "Patricia Faison-Ball".

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



BUTZEL LONG
350 SOUTH MAIN STREET
SUITE 300
ANN ARBOR MI 48104

COPY MAILED

MAR 02 2006

OFFICE OF PETITIONS

In re Application of
David J. Boye et al. :
Application No. 11/054,804 :
Filed: February 10, 2005 :
Attorney Docket No: 4531334-0001 :

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 May 17, 2005, for failure to file a timely response to the Notice to File Corrected Application Papers, mailed March 16, 2005, which set a two (2) month statutory period for reply. Accordingly, a Notice of Abandonment was mailed January 6, 2006. Petitioner asserts that the Notice to File Corrected Application Papers was never received.

The file record discloses that the Notice to File Corrected Application Papers was mailed to the address of record which is the same address used the Notice of Abandonment. Petitioner has provided a copy of the docket report, wherein receipt of the Notice to File Corrected Application Papers mailed March 16, 2005 would have been filed, had it been received. To show that the Notice mailed March 16, 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 statement from the petitioner and the exhibit from the docket record for the instant matter show no entry indicating receipt of the Notice to File Corrected Application Papers mailed March 16, 2005, it is apparent that the Notice was not received. 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 Corrected Application Papers was never received at the address of record. 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 further pre-examination processing in view of the abandonment being withdrawn and in view of the response to the Notice to File Corrected Application Papers filed with the instant petition.

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

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

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

ABB Inc.
Legal Department - 4U6
29801 Euclid Avenue
Wickliffe, OH 44092-1832

Mail Date: 04/21/2010

Applicant : Thomas A. Fuhlbrigge : DECISION ON REQUEST FOR
Patent Number : 7643907 : RECALCULATION of PATENT
Issue Date : 01/05/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/054,816 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/10/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

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



**THE CAVANAGH LAW FIRM
VIAD CORPORATE CENTER
1850 N. CENTRAL AVE.
SUITE 2400
PHOENIX AZ 85004**

COPY MAILED

AUG 01 2007

OFFICE OF PETITIONS

In re Application of	:	
MERKEL, Michael	:	
Application No. 11/054,818	:	DECISION ON PETITION
Filed: February 10, 2005	:	TO WITHDRAW
Attorney Docket No. 41968-201	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 11, 2007.

The request is **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 D. Titus on behalf of all attorneys of record who are associated with customer No. 54673. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no outstanding office actions at this time.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **MERKEL COMPOSITE TECHNOLOGIES, INC.
1620 N. 48TH STREET, SUITE 106
PHOENIX, ARIZONA 85008**


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
11/054,818	02/10/2005	Michael Merkel	41968-201

CONFIRMATION NO. 2696

54673
 THE CAVANAGH LAW FIRM
 VIAD CORPORATE CENTER 1850 N. CENTRAL AVE.
 STE. 2400
 PHOENIX, AZ 85004



OC000000025045210

Date Mailed: 07/26/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/11/2007.

- 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



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

COPY MAILED

JAN 11 2008

OFFICE OF PETITIONS

In re Application of :
Wai-Hon Lee :
Application No. 11/054,851 : **ON PETITION**
Filed: February 9, 2005 :
Attorney Docket No. 021478-000300US :

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed February 15, 2007, which set a shortened statutory period for reply of three (3) months. Two-month extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 16, 2007.

The above-identified application is being revived solely for purposes of continuity with a Request For Continued Examination (RCE) filed on September 13, 2007.

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

This matters is being referred to Technology Center AU 2872 for further processing.

Irvin Dingle
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

LATTICE SEMICONDUCTOR CORPORATION
5555 NE MOORE COURT
HILLSBORO, OR 97124-6421

Mail Date: 04/20/2010

Applicant	: Benny Ma	: DECISION ON REQUEST FOR
Patent Number	: 7589648	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/054,855	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **911** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

H.D

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.
11/054,900	02/10/2005	Stephen A. Bynum	LS-30557 (71024-918)	1439

59582 7590 12/29/2006
DICKINSON WRIGHT PLLC
38525 WOODWARD AVENUE
SUITE 2000
BLOOMFIELD HILLS, MI 48304-2970

EXAMINER

CARIASO, ALAN B

ART UNIT	PAPER NUMBER
----------	--------------

2875

MAIL DATE	DELIVERY MODE
-----------	---------------

12/29/2006

PAPER

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Dickenson, Wright PLLC
38525 Woodward Ave
Suite 2000
Bloomfield Hills, MI 48304-2970

In re Application of:	:	
Stephen A. Bynum	:	
Application No. 11/054,900	:	Petition to
Filed: February 10, 2005	:	Correct
Attorney Docket No.	:	Inventorship
LS-30557 (710240-918)	:	

This is in response to a petition under 37 C.F.R. 1.48(a) filed August 12, 2005, requesting that a name of an inventor be added.

The instant application was filed on February 10, 2005, with the sole inventor's name of Stephen A. Bynum.

The petition states that the name of Philip S. Hall was unintentionally omitted because it was not known at the time of filing the application.

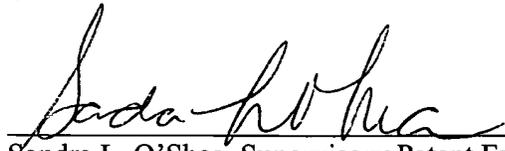
Based on the file record as a whole and the facts as set forth above and in the petition, the error in inventorship occurred without deceptive intent and was diligently corrected.

The petition is **GRANTED**.

The application is being forwarded to the technical support staff for the name correction to Stephen A. BYNUM and Philip A. HALL. The application will then be returned to the examiner for the examining process.

Telephone inquires should be directed to Sandra L. O'Shea at (571) 272-2378.

The above-identified application is being forwarded to the examiner for prompt appropriate action.

A handwritten signature in black ink, appearing to read "Sandra L. O'Shea", written over a horizontal line.

Sandra L. O'Shea, Supervisory Patent Examiner
Art Unit 2875
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components



UNITED STATES PATENT AND TRADEMARK OFFICE

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

PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

COPY MAILED

MAY 13 2009

In re Application of	:	OFFICE OF PETITIONS
Ernest L. BONNER, et al	:	
Application No. 11/054,921	:	DECISION ON PETITION
Filed: February 9, 2005	:	TO WITHDRAW
Attorney Docket No. 63813-8001.US06	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed April 17, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Susan T. Evans does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: ERNEST L. BONNER
2014 SANTA CLARA AVE.
ALAMEDA, CA 94501

cc: SUSAN T. EVANS
333 TWIN DOLPHIN DRIVE,
SUITE 400
REDWOOD SHORES, CA 94065



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

Bachman & Lapointe, P.C.
900 Chapel Street
Suite 1201
New Haven, CT 06510

COPY MAILED

MAY 17 2007

OFFICE OF PETITIONS

In re Application of

Daniel P. Zuccarini

Application No. 11/054,922

Filed: February 9, 2005

Attorney Docket No. 05-162

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 6, 2007.

The request is **APPROVED**.

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

The request was signed by Barry L. Kelmachter on behalf of all attorneys associated with customer number 34704. All attorneys/agents associated with customer number 34704 have been withdrawn.

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

Accordingly, all correspondence will be mailed to the sole inventor at the address noted in the request to withdraw.

A requirement for restriction/election was mailed on February 20, 2007. Failure to timely reply will result in the abandonment of this application.

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


Frances Hicks
Petitions Examiner
Office of Petitions

cc: Daniel P. Zuccarini
2 Trap Falls Road, #504
Shelton, CT 06484


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 (e) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/054,922	02/09/2005	Daniel P. Zuccarini	05-162

 34704
 BACHMAN & LAPOINTE, P.C.
 900 CHAPEL STREET
 SUITE 1201
 NEW HAVEN, CT 06510

CONFIRMATION NO. 2201


OC000000023898206

Date Mailed: 05/16/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/06/2007.

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

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

FORMER ATTORNEY/AGENT COPY


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 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
11/054,928	02/09/2005	2834	1000	146712010800	6	20	2

50269
 SEAGATE TECHNOLOGY c/o MOFO SF
 425 MARKET ST.
 SAN FRANCISCO, CA 94105

CONFIRMATION NO. 2187
CORRECTED FILING RECEIPT



OC000000015719395

Date Mailed: 04/12/2005

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)

Michael D. Kennedy, Boulder Creek, CA;
 Alan L. Grantz, Aptos, CA;
 Anthony J. Aiello, Santa Cruz, CA;
 Paco Flores, Felton, CA;
 Klaus D. Kloeppel, Watsonville, CA;

Assignment For Published Patent Application

SEAGATE TECHNOLOGY LLC, Scotts Valley, CA

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 03/15/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/054,928**

Projected Publication Date: 08/10/2006

Non-Publication Request: No

Early Publication Request: No

BEST AVAILABLE COPY

Title

Active hybrid FDB motor

Preliminary Class

310

**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

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

MORRISON & FOERSTER LLP
425 MARKET STREET
SUITE 100
SAN DIEGO, CA 92105

COPY MAILED

SEP 11 2007

In re Application of
Michael D. KENNEDY, et al
Application No. 11/054,928
Filed: February 9, 2005
Attorney Docket No. 146712010800

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 8, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney given to Morrison & Foerster LLP has been revoked by the assignee of the patent application on June 29, 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: STEPHEN C. DURANT
NOVAK DRUCE & QUIGG, LLP
SPEAR STREET TOWER - 35TH FLOOR
ONE MARKET PLAZA
SAN FRANCISCO, CA 94105



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

MORRISON & FOERSTER LLP
425 MARKET STREET
SUITE 100
SAN DIEGO, CA 92105

In re Application of
Michael D. KENNEDY, et al
Application No. 11/054,928
Filed: February 9, 2005
Attorney Docket No. 146712010800

COPY MAILED

SEP 11 2007

OFFICE OF PETITIONS

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 8, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney given to Morrison & Foerster LLP has been revoked by the assignee of the patent application on June 29, 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 inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: STEPHEN C. DURANT
NOVAK DRUCE & QUIGG, LLP
SPEAR STREET TOWER - 35TH FLOOR
ONE MARKET PLAZA
SAN FRANCISCO, CA 94105

RECEIVED
SEP 18 2007
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

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/054,944	02/11/2005	Haijme Makio	001582A

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

DATE MAILED: March 9, 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 February 12, 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



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

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

Mail Date: 04/20/2010

Applicant : Shwu-Yan Chang Scoggins : DECISION ON REQUEST FOR
Patent Number : 7587757 : RECALCULATION of PATENT
Issue Date : 09/08/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/054,969 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/10/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **1219** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

COPY MAILED
JUN 20 2008
OFFICE OF PETITIONS

In re Application of :
Yao-Chung HUANG :
Application No. 11/054,975 : DECISION ON PETITION
Filed: February 10, 2005 :
Attorney Docket No. PUSA050174 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 09, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 09, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 10, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$770, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of July 09, 2007 is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 3724 for appropriate action on the concurrently filed amendment.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

PTO/SB/84 (01-08)

Approved for use through 05/31/2008. OMB 0851-0031
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)
PUSA050174(20050219.ORI)

First named inventor: Yao-Chung Huang

Application No.: 11/054,975

Art Unit: 3724

Filed: 02/10/2005

Examiner: Flores-Sanchez

Title: Gardening shears having Double Functions

**RECEIVED
CENTRAL FAX CENTER**

MAY 09 2008

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 AMENDMENT (identify type of reply):

- has been filed previously on _____
- is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 05/09/2008 VBUI11 00000026 11054975

- has been paid previously on _____
- is enclosed herewith. 01 FC:2453

770.00 OP

[Page 1 of 2]

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.

RAM Fee History
Query
Revenue Accounting and Management

Name/Number: 11054975

Total Records Found: 5

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
05/09/2008	00000035	<u>1</u>	<u>2453</u>	\$770.00	05/09/2008	CC
02/16/2005	00000011	<u>1</u>	<u>2011</u>	\$150.00	02/10/2005	CK
02/16/2005	00000012	<u>1</u>	<u>2111</u>	\$250.00	02/10/2005	CK
02/16/2005	00000013	<u>1</u>	<u>2311</u>	\$100.00	02/10/2005	CK
02/16/2005	00000014	<u>1</u>	<u>8021</u>	\$40.00	02/10/2005	CK

RECEIVED
CENTRAL FAX CENTER

MAY 09 2008

PTO/SB/64 (01-08)

Approved for use through 05/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

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.

Alan Kamrath Signature 5-9-2008 Date
 Alan D. Kamrath
 Typed or printed name 28,227
 Registration Number, if applicable
 4825 Olson Memorial Highway, Suite 245
 Address 763-746-1599
 Telephone Number
 Golden valley MN 55422
 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.

5-9-2008
Date

Alan Kamrath Signature
 Alan D. Kamrath
 Typed or printed name of person signing certificate

Attorney / Agent / Customer Number Search Results

Registration # 28227 Attorney's Applications

KAMRATH,ALAN

Kamrath & Associates, PA

✓4825 Oslon Memorial Highway

✓Suite 245

✓Golden Valley, MN 55422

Registration Status : **ACTIVE** Attorney Type : **Attorney**

Customer Number	Customer Telephone Number	Customer Address
<u>25862</u> Customer's Applications	612 340-7951	RIDER, BENNETT, EGAN & ARUNDEL 333 SOUTH SEVENTH STREET SUITE 2000 MINNEAPOLIS, MN 55402
<u>69638</u> Customer's Applications	763-746-1599	KAMRATH & ASSOCIATES P.A. 4825 OLSON MEMORIAL HIGHWAY SUITE 245 GOLDEN VALLEY, MN 55422

Search Another: Attorney/Agent/Customer

Registration#

Customer#

Attorney's/Agent's Last Name First Name

To go back use Back button on your browser toolbar.

Back to [PALM](#) | [ASSIGNMENT](#) | [OASIS](#) | [Home page](#)



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

Neil K. Nydegger, Esq.
NYDEGGER & ASSOCIATES
348 Olive Street
San Diego, CA 92103

COPY MAILED

FEB 12 2008

OFFICE OF PETITIONS

In re Application of :
Martin J. Osterwalder :
Application No. 11/054,986 : ON PETITION
Filed: February 10, 2005 :
Attorney Docket No. 11402.1.1. :

This is a decision on the petition under 37 CFR 1.137(b), filed on December 11, 2006, to revive the above-identified application. The delay in responding is regretted.

The application became abandoned for failure to respond to the non-final Office action mailed May 3, 2006. A Notice of Abandonment was mailed on December 14, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$750; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office acknowledges receipt of \$510 for a three months extension of time filed on December 11, 2006. However, 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 \$510 extension of time was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card, in due course.

This application file is being referred to Technology Center Art Unit 3732, for review of the amendment filed with the instant petition.

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


Andrea Smith
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

PAPER NO.:

DATE : 7/12/10

TO SPE OF : ART UNIT: 2828 Attn: HARVEY MINSUN O (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/054999 Patent No.: 7230961

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
Randolph Square Building (RSQ)
2800 South Randolph Street, Suite 9XXXX
Arlington, VA 22206
PALM Location 7580

Tasneem Siddiqui

Certificates of Correction Branch
703-756-1593

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: _____

Harvey Minsun O
**MINSUN OH HARVEY
PRIMARY EXAMINER
SPE**

2828
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

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

Mail Date: 04/21/2010

Applicant	: Joachim Walter Ahner	: DECISION ON REQUEST FOR
Patent Number	: 7638211	: RECALCULATION OF PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/055,004	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/09/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **633** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

COPY MAILED

AUG 10 2005

OFFICE OF PETITIONS

Decision on Petition

In re Application of :
Ortiz-Garcia et al. :
Application No. 11/055,010 :
Deposited: February 11, 2005 :
Attorney Docket No. ORTIZ-GARCIA1 :
For: Process to Manufacture a Coated Bumper :

This is a decision on the petition filed May 13, 2005, to accord the above-identified application a filing date of February 11, 2005.

The petition is **dismissed**.

The application was submitted with the drawings inadvertently omitted. As a result, on March 14, 2005, the Office of Initial Patent Examination mailed a Notice stating that the drawings were missing and that a filing date would be accorded upon receipt of drawings.

Petitioner has submitted drawings and states the drawings are the same as the drawings which are part of the accompanying certified priority document. The accompanying priority document was incorporated by reference in the Utility Patent Application Transmittal sheet.

A review of the file wrapper fails to indicate drawings were filed as part of the certified copy of the priority document. Is it possible the drawings were separated from the certified copy to be photocopied and not reattached to the certified copy of the Mexican application?

A certified copy of the priority document which includes drawings should be submitted.

If the drawings are identical, the instant petition will be granted.

The petition fee of \$400 will not be refunded since a petition is required to accord an application the requested filing date.

If a request for reconsideration is not filed, the application will be processed with a filing date of May 13, 2005.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are not permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.53."

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

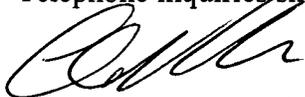
By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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

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

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

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



Charles Steven Brantley
Petitions Attorney
Office of Petitions



BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

COPY MAILED

NOV 22 2005

OFFICE OF PETITIONS

Decision on Petition

In re Application of :
Ortiz-Garcia et al. :
Application No. 11/055,010 :
Filed: February 11, 2005 :
Attorney Docket No. ORTIZ-GARCIA1 :
For: Process to Manufacture a Coated Bumper :

This is a decision in response to the renewed petition filed October 11, 2005, to accord the above-identified application a filing date of February 11, 2005.

The petition is **granted**.

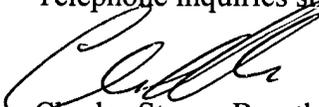
The application was submitted with the drawings inadvertently omitted. As a result, on March 14, 2005, the Office of Initial Patent Examination mailed a Notice stating that the drawings were missing and that a filing date would be accorded upon receipt of drawings.

The instant application incorporated by reference the contents of Mexican Priority Application no. PA/a/2005/001331, filed February 12, 2004.

Petitioner has submitted drawings and a copy of the certified priority document.

The Office of Initial Examination will be informed of the instant decision and will process the application with a filing date of February 11, 2005, using the papers filed on February 11, 2005, and the 6 sheets of drawings filed on May 13, 2005.

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


Charles Steven Brantley
Petitions Attorney
Office of Petitions



SCHNADER HARRISON SEGAL & LEWIS, LLP
1600 MARKET STREET
SUITE 3600
PHILADELPHIA PA 19103

COPY MAILED

SEP 15 2008

In re Application of
BOLER, Lewyn B. Jr.
Application No. 11/055,026
Filed: February 09, 2005
Attorney Docket No. **3008835-0007**

:
:
:
:
:
:
:

**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 05, 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 Ronald Ventola, II on behalf of all attorneys of record who are associated with customer No. 22469. All attorneys/agents associated with the Customer Number 22469 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Lewyn Boler, Jr. at the address indicated below.

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


Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **LEWYN BOLER, JR.**
1000 EAST CHANNEL STREET
STOCKTON CA 95205



**Thelen, Reid, Brown, Raysman &
Steiner, LLP**
2225 East Bayshore Road
Suite 10
Palo Alto, CA 94303

COPY MAILED

JUL 21 2008

In re Application of
Yong Chul Kim et al.
Application No. 11/055,041
Filed: February 9, 2005
Attorney Docket No. 060450.000019

OFFICE OF PETITIONS

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 9, 2007.

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

A review of the file record indicates that the power of attorney to Aaron Winger and all attorneys/agents of record has been revoked by the assignee of the patent application on February 29, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Kimberly Inabinet
Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Saliwanchik, Lloyd & Saliwanchik
A Professional Associated
P.O. Box 142950
Gainsville, FL 32614-2950



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

NOV 16 2005

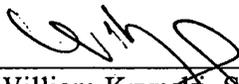
In re Application of
Hyung K. Park et al.
Serial No:11/055,054
Filed: February 11, 2005
For: APPARATUS AND METHOD FOR VACUUM
FORMING A FILM

:
:
: AP
: PETITION UNDER
: M.P.E.P. 708.02, IV
:
:

This is in response to the petition filed February 11, 2005, requesting that the above-identified application be granted Special Status under Section 708.02, IV of the MPEP and 37 CFR 1.102(c).

The petition lacks evidence showing that the applicant is of 65 years of age or more, such as a birth certificate, copy of driver's license or applicant's statement of age. Accordingly, the petition is denied.

The petition is **DENIED**



William Krynski, Special Program Examiner
Technology Center 1700
Chemical and Materials Engineering

FEB-10-05 01:14PM FROM-

T-428 P.009 F-655

Docket No. 26248.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

APPLICANT : HYUNG K. PARK et al.
 SERIAL NO : UNASSIGNED *11/055,054* ART UNIT: UNASSIGNED *1762*
 FILED : HEREWITH *2-11-05* EXAMINER: UNASSIGNED *Jolley*
 FOR : APPARATUS AND METHOD FOR VACUUM FORMING A FILM

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

PETITION TO MAKE SPECIAL BECAUSE OF APPLICANT'S AGE

Dear Sir:

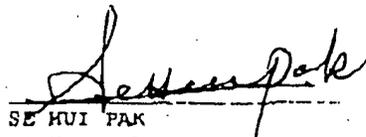
Applicant hereby petitions to make this application special because of the applicant's age. Specifically, I am more than sixty-five years old, having been born on April 8, 1938.

This petition is submitted without any fee as permitted by 37 C.F.R. 1.102(c)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

DATE: *2-10-05*


 SE HUI PAK
 18 Trent Lane
 East Norriton, PA 19401

LITMAN LAW
OFFICES, LTD.
P.O. BOX 13030
ARLINGTON, VA 22215
(703) 486-1000

PETITION GRANTED


 William Krynski
 Special Program Examiner
 TC 1700 DEC 7 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY MD 21043

COPY MAILED

OCT 21 2005

OFFICE OF PETITIONS

In re Application of :
Chien-Lung Shen, Chun-Hui Li, and Kun-Chi :
Hsieh :
Application No. 11/055,065 :
Filed: February 11, 2005 :
Attorney Docket No. MR3315-42 :
Title: WIRELESS TRANSMITTED :
ELECTROCARDIOGRAM MONITORING :
DEVICE :

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

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

On October 15, 2004, the application was deposited, identifying Chien-Lung Shen, Chun-Hui Li, Kun-Chi Hsieh, and Yen-Chun Cheng as joint inventors. The declaration which was submitted on filing was not executed by any of the inventors. On March 21, 2005, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

With the present petition, Petitioner has submitted the petition fee, the associated surcharge, and a declaration which has been signed by each of the joint inventors save Mr. Cheng. Petitioner has further included a four-month extension of time to make timely this response, and submitted

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

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

a statement of facts setting forth that a complete copy of the application was sent to the non-signing inventor.

As such, Petitioner has asserted that Yen-Chun Cheng refuses to sign the declaration, however Yen-Chun Cheng is not listed as an inventor for this application – Yen-Chun Cheng is listed as an inventor on the declaration which was submitted on filing, but his name and his pertinent information has been removed from the declaration which was submitted with the present petition. The declaration lists three inventors for this application, and Yen-Chun Cheng is not one of them. Petitioner will note that pursuant to 37 C.F.R. §1.48(f)(1), inventorship is set by the first submission of an executed declaration.

It appears as though Yen-Chun Cheng should have been listed on the declaration. Petitioner should consider submitting a renewed petition, along with petitions under 37 C.F.R. §§1.48(a) to add Yen-Chun Cheng and 1.183 to waive 1.48(a)(2). Petitioner will also need to submit a new declaration, as the declaration submitted with this petition does not comply with 37 C.F.R. §1.63(a)(2), in that the non-signing joint inventor is not listed as an inventor on the declaration. As set forth in MPEP 409.03(a):

A) All the available joint inventors must (1) make oath or declaration on their own behalf as required by 37 CFR 1.63 or 1.175 (see MPEP § 602, § 605.01, and § 1414) and (2) make oath or declaration on behalf of the nonsigning joint inventor as required by 37 CFR 1.64. 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.

(Emphasis added).

As such, the petition must be **DISMISSED**.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled “Renewed Petition Under 37 C.F.R. §1.47(a),” and should include an acceptable declaration. This is not a final agency action within the meaning of 5 U.S.C 704. The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski. Any renewed petition may be submitted by mail², hand-delivery³, or facsimile⁴. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



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

2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

3 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

4 (571) 273-8300- please note this is a central facsimile number.



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

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY MD 21043

Paper No. None
COPY MAILED
JAN 11 2006
OFFICE OF PETITIONS

In re Application of :
Chien-Lung Shen, Chun-Hui Li, and Kun-Chi :
Hsieh :
Application No. 11/055,065 :
Filed: February 11, 2005 :
Attorney Docket No. MR3315-42 :
Title: WIRELESS TRANSMITTED :
ELECTROCARDIOGRAM MONITORING :
DEVICE :

DECISION ON PETITIONS UNDER
37 C.F.R. §§1.48(A) AND 1.183

This is in response to the renewed petition under 37 C.F.R. §1.47(a)¹, along with the petitions under 37 C.F.R. §§1.48(A) and 1.183, each filed concurrently on December 14, 2005.

On October 15, 2004, the application was deposited, identifying Chien-Lung Shen, Chun-Hui Li, Kun-Chi Hsieh, and Yen-Chun Cheng as joint inventors. The declaration which was submitted on filing was not executed by any of the inventors. On March 21, 2005, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

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

- (1) the petition fee of \$400;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
- (3) a statement of the last known address of the non-signing inventors;
- (4) either
 - a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
 - b) proof that the non-signing inventor cannot be found or reached after diligent effort;
- (5) a declaration which complies with 37 CFR §1.63.

The original petition was submitted on September 21, 2005 and was dismissed via the mailing of a decision on October 21, 2005. Petitioner submitted the petition fee, the associated surcharge, and a declaration which has been signed by each of the joint inventors save Mr. Cheng, along with a four-month extension of time to make timely this response. Unfortunately, the declaration did not list Mr. Cheng as an inventor, and as such the inventorship was set as the first three inventors.

The petition under 37 C.F.R. §1.183:

The petition under 37 C.F.R. §1.183 to waive 37 C.F.R. §1.48(a)(2) is **GRANTED**. As such, the inventorship of this nonprovisional application can be amended absent the signature of the person being added as an inventor.

The petition under 37 C.F.R. §1.48(a):

A grantable petition under this section of the C.F.R. requires:

1. A request to correct the inventorship that sets forth the desired inventorship change;
2. A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
3. An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
4. The processing fee set forth in § 1.17(i); and
5. If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Petitioner has met requirements (1), (3), and (4) of 37 C.F.R. §1.48(a). The second requirement has been waived, as discussed above. Regarding the fifth requirement, Petitioner has not complied with 37 C.F.R. §3.73(b), in that documentary evidence of a chain of title from the original owner to the assignee does not appear to have been presented.

Consequently, ownership has not been established, and the petition under 37 C.F.R. §1.48(a) is **DISMISSED**.

As such, the renewed petition under 37 C.F.R. §1.47(a) cannot be processed at this time.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Second Renewed Petitions Under 37 C.F.R. §§1.47(a) and 1.48(a)," and should include an acceptable declaration. This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski and may be submitted by mail², hand-delivery³, or facsimile⁴.

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 Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

² Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

³ Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

⁴ (571) 273-8300- please note this is a central facsimile number.



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.

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY MD 21043

COPY MAILED

JUN 18 2008

OFFICE OF PETITIONS

In re Application of :
Chien-Lung Shen, Chun-Hui Li, :
and Kun-Chi Hsieh : DECISION ON TWO PETITIONS
Application No. 11/055,065 : PURSUANT TO
Filed: February 11, 2005 : 37 C.F.R. §§ 1.48(A) AND
Attorney Docket No. MR3315-42 : 1.137(B)
Title: WIRELESS TRANSMITTED :
ELECTROCARDIOGRAM MONITORING :
DEVICE :

This is a response to the submission that was received on May 19, 2008. This submission is being treated as a renewed petition pursuant to 37 C.F.R. § 1.48(a) and an original petition pursuant to 37 C.F.R. § 1.137(b).

The renewed petition pursuant to 37 C.F.R. § 1.48(a) is **GRANTED**.

The petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

On October 15, 2004, the application was deposited, identifying Chien-Lung Shen, Chun-Hui Li, Kun-Chi Hsieh, and Yen-Chun Cheng as joint inventors. The declaration which was submitted on filing was not executed by any of the inventors. On March 21, 2005, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

A petition pursuant to Rule 1.47(a) was submitted on September 21, 2005 and was dismissed via the mailing of a decision on October 21, 2005. Petitioner submitted the petition fee, the associated surcharge, and a declaration which has been signed by each of the joint inventors save Mr. Cheng, along with a four-month extension of time to make timely this response. Unfortunately, the declaration did not list Mr. Cheng as an inventor, and as such the inventorship was set as the first three inventors.

Two petitions pursuant to Rules 1.48(a) and 1.183 were submitted on December 14, 2005. A decision was mailed on January 11, 2006, which dismissed the former and granted the latter. The decision indicated that the former could not be granted, as Petitioner had failed to comply with Rule 3.73(b) (the documentary evidence of a chain of title from the original owner to the assignee was not presented). This decision set a two-month period for response. No response was received; consequently, this application went abandoned by operation of law at midnight on March 12, 2006.

The petition pursuant to 37 C.F.R. § 1.137(b):

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee and the proper statement of unintentional delay. The renewed petition pursuant to 37 C.F.R. § 1.48(a) will serve as the required reply. As such, requirements (1) - (3) of Rule

1.137(b) have been met. The fourth requirement is not applicable, as a terminal disclaimer is not required.

The renewed petition pursuant to 37 C.F.R. § 1.48(a):

A grantable petition under this section of the C.F.R. requires:

1. A request to correct the inventorship that sets forth the desired inventorship change;
2. A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
3. An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
4. The processing fee set forth in § 1.17(i); and
5. If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

With the original petition pursuant to 37 C.F.R. § 1.48(a), Petitioner met requirements (1), (3), and (4) of the Rule, and the second requirement was waived, via the granting of a petition pursuant to Rule 1.183. Regarding the fifth requirement, Petitioner failed to comply with 37 C.F.R. § 3.73(b), in that documentary evidence of a chain of title from the original owner to the assignee did not appear to have been presented.

With this renewed petition, Petitioner has submitted a statement under 37 C.F.R. § 3.73(b). Consequently, ownership has been established.

Pursuant to this decision, the Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225¹. All other inquiries

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

concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions



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

**RPX CORPORATION
C/O BERKELEY LAW & TECHNOLOGY GROUP LLP
17933 NW EVERGREEN PARKWAY, SUITE 250
BEAVERTON OR 97005**

**COPY MAILED
DEC 22 2009
OFFICE OF PETITIONS**

In re Application of :
Eric M. DOWLING :
Patent No. 6,985,931 : NOTICE
Application No. 11/055,066 :
Filed: February 11, 2005 :
Attorney Docket No. **FEDCOM.001C1** :

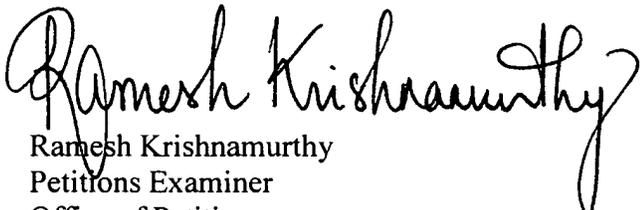
This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to Tredelle Jackson at (571) 272-2783.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

SPE & R. Barnie

IMS

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 6/21/07

Paper No.: _____

TO SPE OF : ART UNIT 2819

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/055,102 Patent No.: 7075470

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: acknowledge

Reynold Barnie
SPE

2819
Art Unit



DICKSTEIN SHAPIRO LLP
1825 EYE STREET, NW
WASHINGTON DC 20006

COPY MAILED

DEC 31 2007

In re Patent of : **OFFICE OF PETITIONS**
Lee :
Patent No. 7,075,470 :
Issued : July 11, 2006 : **DECISION ON PETITION**
Application No. 11/055,102 :
Filed: February 11, 2005 :
Attorney Docket No. M4065.1105/P1105 :

This is a decision on the “PETITION TO ACCEPT UNINTENTIONALLY DELAYED SUBMISSION OF PRIORITY DOCUMENT,” filed July 27, 2007. The petition will be treated under 37 CFR 1.82.

The petition is **DISMISSED**.

The application was filed on February 11, 2005. Applicant claimed benefit under 35 U.S.C. 119 of United Kingdom Application No. 0427469.2. Applicant stated that a copy of the foreign application would be filed shortly. Despite the fact that a non-final Office action dated December 5, 2005 states that certified copies of priority documents had been received in the Office, a review of Office records reveals that a certified copy of United Kingdom Application No. 0427469.2 was not received in the Office until July 27, 2007. The above-identified application issued on July 11, 2006. The issued patent lists United Kingdom Application No. 0427469.2 in the foreign application data on the face of the patent. However, because a certified copy of the foreign application was not timely filed in this application (and a certified copy of the foreign application is not present in a parent application), the priority claim was not perfected.

As stated in MPEP 201.16, “[A] claim to foreign priority benefits cannot be perfected via a certificate of correction if the requirements of 35 U.S.C. 119(a)-(d) or (f) had not been satisfied in the patented application, or its parent, prior to issuance and the requirements of 37 CFR 1.55(a) are not met. In this latter circumstance, the claim to foreign priority benefits can be perfected only by way of a reissue application in accordance with the rationale set forth in *Brenner v. State of Israel*, 158 USPQ 584.”

MPEP 1402 states: "A reissue was granted in *Brenner v. State of Israel*, 400 F.2d 789, 158 USPQ 584 (D.C. Cir. 1968), where the only ground urged was failure to file a certified copy of the original foreign application to obtain the right of foreign priority under 35 U.S.C. 119(a)-(d) before the patent was granted. In *Brenner*, the claim for priority had been made in the prosecution of the original patent, and it was only necessary to submit a certified copy of the priority document in the reissue application to perfect priority. Reissue is also available to convert the "error" in failing to take any steps to obtain the right of foreign priority under 35 U.S.C. 119(a)-(d) before the patent was granted. >See *Fontijn v. Okamoto*, 518 F.2d 610, 622, 186 USPQ 97, 106 (CCPA 1975) ("a patent may be reissued for the purpose of establishing a claim to priority which was not asserted, or which was not perfected during the prosecution of the original application")."

In view of the above, the \$ 1,370.00 petition fee submitted is unnecessary. A \$400.00 Rule 182 petition fee will be retained. The balance will be refunded to petitioner's deposit account in due course.

Petitioner has not perfected his claim for priority under 35 U.S.C. 119 to United Kingdom Application No. 0427469.2. Petitioner should consider filing a reissue application.

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



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



Stuebaker & Brackett PC
1890 Preston White Drive
Suite 105
Reston VA 20191

COPY MAILED
JUL 23 2009
OFFICE OF PETITIONS

In re Application of :
Toyota et al. :
Application No. 11/055121 :
Filing or 371(c) Date: 02/11/2005 :
Attorney Docket Number: :
742425-65 : **ON PETITION**

This is a decision on the “Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a)“, filed June 24, 2009. The petition is properly treated as a petition to withdraw holding of abandonment based upon nonreceipt of an Office action under 37 C.F.R. § 1.181 (No Fee Required). 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 Office action, mailed December 13, 2006. The Office action set a one (1) month or 30 day period for reply. No response having been received, the application became abandoned on January 14, 2007. A Notice of Abandonment was mailed June 25, 2007.

With the present petition, Applicant has demonstrated non-receipt of the Office action by a preponderance of the evidence¹.

In view of the foregoing, the holding of abandonment is hereby withdrawn.

The petition fee has been refunded to Applicant’s deposit account as authorized in the present petition.

The application will be referred to 3612 for processing processing of the response to the Office communication filed with the present petition.

¹ Office records reveal that Applicant’s Correspondence Address was inadvertently changed and that the Office action and Notice of Abandonment were mailed to an incorrect correspondence address. Office records have been corrected to reflect the proper Customer Number/correspondence address.

Telephone inquiries concerning this Decision only 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

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.
11/055,126	02/09/2005	Mark C. Payung	PYG-100US	2650

23122 7590 10/12/2007
RATNERPRESTIA
P O BOX 980
VALLEY FORGE, PA 19482-0980

EXAMINER

QIN, JIANCHUN

ART UNIT	PAPER NUMBER
----------	--------------

2837

MAIL DATE	DELIVERY MODE
-----------	---------------

10/12/2007

PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

RATNERPRESTIA
P. O. Box 980
Valley Forge, PA 19482-0980

OCT 15 2007

In re Application of:
Mark C. Payung
Serial No.: 11/055,126
Filed: February 09, 2005
Attorney Docket No.: **PYG-100US**

COMBINED
DECISION ON PETITION
TO EXPUNGE AND REQUEST TO
WITHDRAW FROM THE RECORD

This is a decision on the petition and request filed August 29, 2007, to expunge information submitted pursuant to 37 C.F.R. § 1.59(b), and M.P.E.P. § 724.02, and to withdraw as attorney/agent of record under 37 C.F.R. § 1.36.

The petition is **GRANTED**.

Petitioner requests that a document, filed August 29, 2007, be expunged from the record. Petitioner states that the document contains proprietary information. The petition is accompanied by the petition fee set forth in 37 C.F.R. § 1.17(i) of \$200.00.

The information in question has been determined by the examiner to not be material to the examination of the instant application. The expunged material is returned herewith.

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

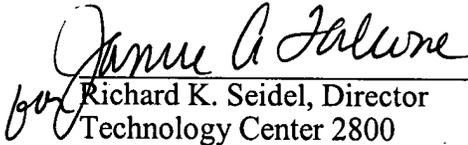
The request meets all the above stated requirements. The request was signed by Lawrence E. Ashery, on behalf of himself and all the attorneys/agents associated with customer number 23122. There is at least thirty (30) days remaining in the maximum time period.

The request is **APPROVED**.

There are no attorneys/agents of record at this time.

All future communications from the Office will be directed Mark C. Payung, at the below address, until otherwise notified.

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


Richard K. Seidel, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

Cc: Mark C. Payung
7452 Demille Court
Annandale, VA 22003

Enclosure: Expunged Material



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

WILLIAMS, MORGAN & AMERSON
10333 RICHMOND, SUITE 1100
HOUSTON TX 77042

MAILED

APR 21 2009

OFFICE OF PETITIONS

In re Application of :
Georg Fischer :
Application No. 11/055,137 : **DECISION DISMISSING PETITION**
Filed: February 10, 2005 : **UNDER 37 CFR 1.313(a)**
Attorney Docket No. 2100.015100 :
G.FISCHER 34 :

This is a decision on the petition under 37 CFR 1.313(a), filed April 21, 2009, requesting withdrawal of the above-identified application from issue.

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

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on April 6, 2009, with the issue fee being due on or before July 6, 2009. The petition states that the issue fee in this case has not been paid.

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

Inquiries concerning this decision may be directed to Terri Williams at (571) 272-2991.

The matter is being referred to Technology Center AU 2618 for appropriate processing of the RCE filed April 21, 2009, and for consideration of the concurrently filed information disclosure statement.

(Terri Williams)

Terri Williams
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

WILLIAMS, MORGAN & AMERSON
10333 RICHMOND, SUITE 1100
HOUSTON, TX 77042

Mail Date: 04/21/2010

Applicant	: Georg Fischer	: DECISION ON REQUEST FOR
Patent Number	: 7593696	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/055,137	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **759** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



JUN 11 2006

In re Application of
Benjamin R. Yerxa, et al
Serial No: 11/055,170
Filed: 2/9/2005
For: DI(URIDINE 5'-) TETRAPHOSPHATE AND SALTS THEREOF

**NOTICE OF WITHDRAWAL FROM ISSUE
UNDER 37 CFR 1.313(b)**

The above-identified application is withdrawn from issue after payment of the issue fee due to Prior Art. See 37 CFR 1.313(b)(3).

The above-identified application is hereby withdrawn from issue.

The issue fee is refundable upon written request. If, however, the application is again found allowable, the issue fee can be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due upon written request. This request and any balance due must be received on or before the due date noted in the new Notice of Allowance in order to prevent abandonment of the application.

Telephone inquiries should be directed to Thurman Page at (571) 272-0602.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.

George Elliott
Director, Technology Center 1600

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



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

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

COPY MAILED

JUN 23 2008

OFFICE OF PETITIONS

In re Application of	:	
Sally Denardo, et al.	:	
Application No. 11/055,181	:	DECISION ON PETITION
Filed: February 9, 2005	:	TO WITHDRAW
Attorney Docket No. 309T-300510US	:	FROM RECORD
	:	

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 13, 2007.

The request is **APPROVED**.

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

The request was signed by Jonathan Alan Quine on behalf of all attorneys of record who are associated with customer No. 22798.

All attorneys/agents associated with the Customer Number 27980 have been withdrawn.

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

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

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

There is an outstanding Office action mailed April 30, 2008 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-142.



April M. Wise
Petitions Examiner
Office of Petitions

cc: SALLY DENARDO
44336 CLUBHOUSE DRIVE
EL MACERO, CA 95618

cc: BEYER WEAVER, LLP
500 12TH STREET
SUITE 200
OAKLAND, CA 94607



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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
11/055,181	02/09/2005	Sally DeNardo	309T-300510US

22798
QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P O BOX 458
ALAMEDA, CA 94501

CONFIRMATION NO. 2245
POWER OF ATTORNEY NOTICE



Date Mailed: 06/20/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/13/2007.

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

/amwise/

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No. _____

DATE : 7-20-08

TO SPE OF : ART UNIT 3714

SUBJECT : Request for Certificate of Correction for Appl. No. 11/055186 Patent No. 7390191

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 COC be Approved.

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

Erin Yarb
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: _____

[Signature]
SPE 3714
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 FIFTH AVENUE
16TH FLOOR
NEW YORK, NY 10001-7708

COPY MAILED

JUN 06 2006

OFFICE OF PETITIONS

In re Application of :
Genoa et al. :
Application No. 11/055,209 : **ON PETITION**
Filed: February 10, 2005 :
Attorney Docket No. 00110/LH :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 26, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of Joseph Genoa's birth certificate. Accordingly, the above-identified application has been accorded "special" status.

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

This matter is being referred to the Technology Center Art Unit 1744 for action on the merits commensurate with this decision.

Liana Chase
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Jones Day
P.O. Box 660623
Dallas, TX 75201

MAILED

APR 13 2009

In re Application of
Walter R. Evanyk, et al.
Application No. 11/055,235
Filed: February 10, 2005
Attorney Docket No. 090238600031

OFFICE OF PETITIONS

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 17, 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 Paul W. Schner on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office Notice of Appeal filed December 18, 2008 that requires a filing of an Appeal Brief or RCE.

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

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Walter R. Evanyk**
3200 Sherrye Drive
Plano, TX 75074-4693

cc: **P2 Technologies, L.P.**
c/o Sealy & Company, Inc.
8401 North Central Expressway, Suite 150, LB 29
Dallas, TX 75225



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
11/055,235	02/10/2005	Walter R. Evanyk	090238600031

5369
JONES DAY
P.O. BOX 660623
DALLAS, TX 75201

CONFIRMATION NO. 2447
POWER OF ATTORNEY NOTICE



Date Mailed: 04/13/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/17/2009.

- 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

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

COPY MAILED

FEB 17 2006

OFFICE OF PETITIONS

In re Application of :
Randall J. Deary, et al. :
Application No. 11/055,240 :
Filed: February 10, 2005 :
Attorney Docket No.: 12259-029002 :

ON PETITION

This is a decision on the petition, filed February 13, 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 November 23, 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2871 for further processing of the request for continued examination under 37 CFR 1.114.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUL 13 2005

In re Application of :
Willie Burt Leonard :
Serial No. 11/055,273 : DECISION ON PETITION
Filed: February 10, 2005 : TO MAKE SPECIAL
For: MULTIPOCKET GOLF NET ASSEMBLY:

Applicant's petition, filed February 10, 2005, requests that this application be rendered special for examination in that applicant is over sixty-five (65) years of age.

The petition has been reviewed and is found to be in compliance with the requirements for special status as set forth in Section 708.02(IV) of the Manual of Patent Examining Procedure (MPEP).

PETITION GRANTED.

Richard A. Bertsch

Richard A. Bertsch, Director
Technology Center 3700

Wendy W.B. Buskop
The Buskop Law Group
1717 Saint James Place, Suite 500
Houston, TX 77056



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

Beyer Law Group LLP
P.O. BOX 1687
Cupertino, CA 95015-1687

Mail Date: 04/20/2010

Applicant : Thomas Sporer : DECISION ON REQUEST FOR
Patent Number : 7627129 : RECALCULATION of PATENT
Issue Date : 12/01/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/055,353 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/08/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **1333** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

KRATON POLYMERS U.S. LLC
WESTHOLLOW TECHNOLOGY
CENTER
3333 HIGHWAY 6 SOUTH
HOUSTON, TX 77082

COPY MAILED

AUG 22 2006

OFFICE OF PETITIONS

In re Application of

Bening, et al.

Application No. 11/055,357

Filed: February 10, 2005

Attorney Docket No. TH1768L

:
:
:
:
:

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed June 16, 2006.

The petition is **granted**.

This application was held abandoned January 6, 2006, after no reply was received to the non-final Office action mailed October 5, 2005. 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 6, 2006. A Notice of Abandonment was mailed June 8, 2006. The instant petition was filed on June 16, 2006. Petitioner maintains that the notice of October 5, 2005, was never received and provides a copy of the relevant docketing calendar as proof of the same.

Section 711.03(c)(II) of the *Manual of Patent Examining Procedure* ("MPEP") provides that in order to establish non-receipt of an Office action so as to prove that the imposition of a holding of abandonment is improper, petitioner must: 1) provide a statement to the Office indicating that the Office action was not received by petitioner; 2) include in the statement an attestation to the fact that a review of the file jacket and docket records maintained by petitioner indicates that the Office action was not received; and 3) provide a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

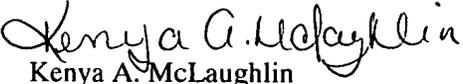
Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to Technology Center 1700, GAU 1711 for further processing that may include remailing the non-final Office action and resetting of the period for reply.

In re Application of Bening, et al.
11/055,357

Page 2

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


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Table with 7 columns: APPL NO., FILING OR 371 (c) DATE, ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO., DRAWINGS, TOT CLMS, IND CLMS. Row 1: 11/055,361, 02/10/2005, 2833, 1000, 9319S-001041, 6, 13, 3

CONFIRMATION NO. 3826

27572
HARNES, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

CORRECTED FILING RECEIPT



OC000000016202791

Date Mailed: 06/06/2005

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)

Masanori Yumoto, Suwa, JAPAN;
Chiaki Imaeda, Suwa, JAPAN;
Yoshihisa Hirano, Suwa, JAPAN;

Power of Attorney:

G. Gregory Schivley-27382
Bryant Wade-40344

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN 2004-033476 02/10/2004

If Required, Foreign Filing License Granted: 03/15/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/055,361

Projected Publication Date: 09/15/2005

Non-Publication Request: No

Early Publication Request: No

BEST AVAILABLE COPY

Title

Mounting structure, electro-optical device, electronic apparatus, and method of manufacturing electro-optical device

Preliminary Class

439

**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

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

Harness, Dickey & Pierce, P.L.C.
P. O. Box 828
Bloomfield Hills, MI 48303

COPY MAILED

SEP 15 2005

OFFICE OF PETITIONS

In re Application of	:	
Yukihiro Sano, et al.	:	
Application No. 11/055,381	:	DECISION GRANTING
Filed: February 10, 2005	:	PETITION
Attorney Docket No. 4041K-000226	:	

This is a decision on the petition filed June 20, 2005, requesting that the above-identified application be accorded a filing date of February 10, 2005, rather than the presently accorded date of February 9, 2005. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner alleges that the application was deposited in Express Mail Service on February 10, 2005. In support, the petition is accompanied by a copy of Express Mail receipt No. EV570162967US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of February 10, 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. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on February 10, 2005.

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

This application file is being forwarded to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **February 10, 2005** and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3223. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

Marianne E. Jenkins
Petitions Examiner
Office of Petitions



Harness, Dickey & Pierce, P.L.C.
P. O. Box 828
Bloomfield Hills, MI 48303

COPY MAILED

SEP 15 2005

OFFICE OF PETITIONS

In re Application of	:	
Yukihiro Sano, et al.	:	
Application No. 11/055,382	:	DECISION GRANTING
Filed: February 10, 2005	:	PETITION
Attorney Docket No. 4041K-000227	:	

This is a decision on the petition filed June 20, 2005, requesting that the above-identified application be accorded a filing date of February 10, 2005, rather than the presently accorded date of February 9, 2005. The petition is properly treated as a petition under 37 CFR 1.10(c).

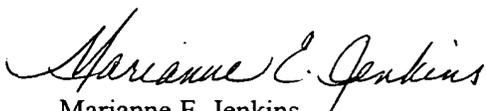
Petitioner alleges that the application was deposited in Express Mail Service on February 10, 2005. In support, the petition is accompanied by a copy of Express Mail receipt No. EV570162967US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of February 10, 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. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on February 10, 2005.

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

This application file is being forwarded to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **February 10, 2005** and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3223. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.


Marianne E. Jenkins
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

Harness, Dickey & Pierce, P.L.C.
P. O. Box 828
Bloomfield Hills, MI 48303

COPY MAILED

SEP 15 2005

OFFICE OF PETITIONS

In re Application of	:	
Yukihiro Sano, et al.	:	
Application No. 11/055,383	:	DECISION GRANTING
Filed: February 10, 2005	:	PETITION
Attorney Docket No. 0275A-000791	:	

This is a decision on the petition filed June 24, 2005, requesting that the above-identified application be accorded a filing date of February 10, 2005, rather than the presently accorded date of February 9, 2005. The petition is properly treated as a petition under 37 CFR 1.10(c).

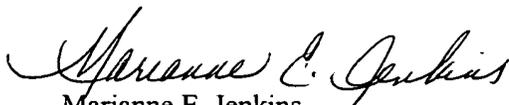
Petitioner alleges that the application was deposited in Express Mail Service on February 10, 2005. In support, the petition is accompanied by a copy of Express Mail receipt No. EV570162967US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of February 10, 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. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on February 10, 2005.

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

This application file is being forwarded to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **February 10, 2005** and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3223. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.


Marianne E. Jenkins
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

Harness, Dickey & Pierce, P.L.C.
P. O. Box 828
Bloomfield Hills, MI 48303

COPY MAILED

SEP 15 2005

OFFICE OF PETITIONS

In re Application of	:	
Yukihiro Sano, et al.	:	
Application No. 11/055,384	:	DECISION GRANTING
Filed: February 10, 2005	:	PETITION
Attorney Docket No. 0275A-000790	:	

This is a decision on the petition filed June 24, 2005, requesting that the above-identified application be accorded a filing date of February 10, 2005, rather than the presently accorded date of February 9, 2005. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner alleges that the application was deposited in Express Mail Service on February 10, 2005. In support, the petition is accompanied by a copy of Express Mail receipt No. EV570162967US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of February 10, 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. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on February 10, 2005.

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

This application file is being forwarded to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **February 10, 2005** and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3223. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

Marianne E. Jenkins
Marianne E. Jenkins
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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/055,394 02/09/2005 Zhang-Lin Zhou 200316504-1 1551

7590 04/21/2008
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

BENNETT, TYLER N

ART UNIT PAPER NUMBER

4132

NOTIFICATION DATE DELIVERY MODE

04/21/2008

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.

Handwritten signature of Timi Farmer

Patent Publication Branch
Office of Data Management

11055394
Adjustment date: 04/21/2008 DIERRY
02/15/2005 HDZJNES 00000049 08E025
02 FC:1111 500.00 CR
04 FC:1202 500.00 CR



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

HARNES, DICKEY & PIERCE P.L.C.
5445 CORPORATE DRIVE
SUITE 200
TROY MI 48098

COPY MAILED

MAY 01 2007

OFFICE OF PETITIONS

In re Application of :
Chih-Hsin Wang :
Application No. 11/055,427 : **DECISION GRANTING PETITION**
Filed: February 9, 2005 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. MP1850.I1F :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 25, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 31, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 2818 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.


Frances Hicks
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.



PEACOCK MYERS, P.C.
201 THIRD STREET, N.W.
SUITE 1340
ALBUQUERQUE NM 87102

COPY MAILED

JUL 23 2008

In re Application of :
Louis A. Pena, et al. :
Application No. 11/055,428 : DECISION GRANTING PETITION
Filed: February 10, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 30817-HETERO :

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 3, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 1654 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.


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.



Date: 05/13/09

Patent No. : 7528105 B1
Ser. No. : 11/055,428
Inventor(s) : PENA, LOUIS A.
Issued : 05/05/09
Title : **HETERODIMERIC CHAIN SYNTHETIC HEPARIN-BINDING
GROWTH FACTOR ANALOGS**
Docket No. : **30817-HETERO**

Re: Request for Certificate of Correction

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

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

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

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

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

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

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

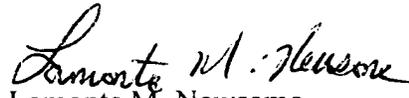
By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

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

By fax: (571) 273-0025
ATTN: Office of Petitions

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



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

PEACOCK MYERS, P.C.
201 THIRD STREET, N.W.
SUITE 1340
ALBUQUERQUE NM 87102

LMN



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

JAN 22 2007

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of :
Bill Copes. :
Serial No.: 11/055,456 : PETITION DECISION
Filed: February 10, 2005 :
Attorney Docket No.: 1305-032 :

This is in response to the petition under 37 CFR § 1.59(b), filed December 18, 2006, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on December 18, 2006, 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.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Applicant may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

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.

George Elliott
Director, Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

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

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

OCT 19 2007

In re Application of :
Bill Copes :
Serial No.: 11/055,456 : PETITION DECISION
Filed: February 10, 2005 :
Attorney Docket No.: 1305-032 :

This is in response to the petition under 37 CFR § 1.59(b), filed October 2, 2007, to expunge information from the above identified application. This application has now been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on December 15, 2006, 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. Also, as stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. As this application has been allowed, the information is being returned to applicant.

Therefore, applicant's petition is GRANTED.

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

Marianne C. Seidel
Quality Assurance Specialist/Program Manager
Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

NOV 14 2007

OFFICE OF PETITIONS

JOHN RICHARD MERKLING
11171 WEST EXPOSITION DRIVE
LAKEWOOD CO 80226-3867

In re Application of :
Leo Rubin :
Application No. 11/055,465 : DECISION ON PETITION
Filed: February 10, 2005 :
For: MEDICAL DEVICE FOR INTRA- :
LUMENAL DELIVERY OF PHARMACEUTICAL :
AGENTS :

This is a decision on the petition under 37 CFR 1.137(b), filed April 18, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed April 28, 2005, which required the submission of an executed oath or declaration, a \$65 surcharge fee for its late filing, and a \$50 claims fee. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on June 29, 2005. A Notice of Abandonment was mailed on January 6, 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 executed declaration, a \$65 surcharge fee, and a \$50 claims fee, (2) the petition fee of \$750, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the Notice of April 28, 2005 is accepted as being unintentionally delayed.

This application is being referred to the Office of Initial Patent Examination for further processing in accordance with this decision.

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


Frances Hicks
Petitions Examiner
Office of Petitions



MAILED

MAR 12 2010

OFFICE OF PETITIONS

**HOXIE & ASSOCIATES LLC
75 MAIN STREET , SUITE 301
MILLBURN NJ 07041**

In re Application of :
Leo RUBIN :
Application No. 11/055,465 : DECISION ON PETITION
Filed: February 10, 2005 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. AV-01-US :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed December 02, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) 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 Michelle R. Eason at (571) 272-4231. 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 1654 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.



Thurman K. Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/055,465, 02/10/2005, 1654, 615, AV-01-US, 22, 1

CONFIRMATION NO. 9922

CORRECTED FILING RECEIPT

50446
HOXIE & ASSOCIATES LLC
75 MAIN STREET, SUITE 301
MILLBURN, NJ 07041



Date Mailed: 03/12/2010

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

Applicant(s)

Leo Rubin, Suffern, NY;

Power of Attorney: The patent practitioners associated with Customer Number 50446

Domestic Priority data as claimed by applicant

This application is a CON of 10/518,109 ABN which is a 371 of PCT/US03/18059 06/10/2003 and is a CON of 10/166,059 06/10/2002 ABN which claims benefit of 60/296,896 06/08/2001 and claims benefit of 60/299,867 06/21/2001

Foreign Applications

UNITED STATES OF AMERICA 10166059 06/10/2002

If Required, Foreign Filing License Granted: 04/26/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/055,465

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Medical device for intra-luminal delivery of pharmaceutical agents

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Michael P. Dunnam
WOODCOCK WASHBURN LLP
One Liberty Place, 46TH Floor
1650 Market Street
Philadelphia, PA 19103

MAILED
JAN 25 2006

TECHNOLOGY CENTER 2100

In re Application of:)
Rocco L. Martino) DECISION ON PETITION TO MAKE
Application No.: 11/055,470) SPECIAL UNDER 37 C.F.R. §1.102(c)
Filed: February 10, 2005) AND MPEP § 708.02 (IV):
For: SYSTEM FOR TRANSMISSION OF) APPLICANT'S AGE
VOICE AND DATA OVER THE SAME	
COMMUNICATIONS LINE	

This is a decision on the petition, filed January 03, 2006, under 37 C.F.R. §1.102(c) and M.P.E.P. §708.02(IV): Applicant's Age, to make the above-identified application special.

A grantable petition to make special under 37 C.F.R. § 1.102 and in accordance with M.P.E.P. § 708.02, Section IV must include a showing, as by a birth certificate or the applicant's statement, that the applicant is sixty five (65) years of age or more. No fee is required for this petition.

The petition includes declaration by Rocco L. Martino, one of the applicants, asserting that declarant/applicant is sixty five (65) years of age or more.

Accordingly, the petition is **GRANTED**.

The application is being forwarded to the examiner for expedited prosecution and to consider the change of inventorship.


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



DLA PIPER RUDNICK GRAY CARY US LLP
153 TOWNSEND STREET
SUITE 800
SAN FRANCISCO CA 94107-1907

COPY MAILED
NOV 17 2006
OFFICE OF PETITIONS

In re Application of	:	
Forrest J. Brown, et al.	:	
Application No. 11/055, 490	:	DECISION ON PETITION
Filed: February 9, 2005	:	TO WITHDRAW
Attorney Docket No. 250474-991171	:	FROM RECORD
	:	

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 30, 2006.

The request is **NOT APPROVED**.

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, “[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office [.]” More specifically, 37 CFR 10.40 states, “[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is” for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, “ the application is being transferred to another attorney”, does not meet any the conditions set forth in 37 CFR 10.40. It is also unclear to the office what position Debashis Bagelli holds with Pinyon Technologies (the assignee of the company).

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

There is an outstanding Office action that was mailed on August 10, 2006 that requires a reply by the applicant.

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


April M. Wise
Petitions Examiner
Office of Petitions

cc: JACKSON AND CO LLP
6114 LA SALLE AVE # 507
OAKLAND, CA 94611-280



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
11/055,490	02/09/2005	Forrest J. Brown	2503474-991171

30349
 JACKSON & CO., LLP
 6114 LA SALLE AVENUE
 SUITE 507
 OAKLAND, CA 94611-2802

CONFIRMATION NO. 2398
 OC000000021270213
 OC000000021270213

Date Mailed: 11/17/2006

NOTICE REGARDING POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/19/2006 . The Power of Attorney in this application is not accepted for the reason(s) listed below:

- The Power of Attorney is from an assignee and the Certificate required by 37 CFR 3.73(b) has not been received.
- The person signing for the assignee has omitted their empowerment to sign on behalf of the assignee.
- The revocation is not signed by the applicant, the assignee of the entire interest, or one particular principal attorney having the authority to revoke.



April M Wise
 APRIL M WISE
 OP (571) 272-1642

NEW 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

BERRY & ASSOCIATES P.C.
9255 SUNSET BOULEVARD
SUITE 810
LOS ANGELES, CA 90069

COPY MAILED

SEP 21 2007

OFFICE OF PETITIONS

In re Application of :
Rene Pourtier, et al. :
Application No. 11/055,491 : ON PETITION
Filed: February 9, 2005 :
Attorney Docket No. 4004.PALM.PSI :

This is a decision on the communication, filed April 18, 2007, 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 July 12, 2006. A Notice of Abandonment was mailed on February 6, 2007. In response on April 18, 2007, the present petition was filed.

Petitioner states that a timely reply was mailed via certificate of mailing on January 12, 2007. Petitioner has submitted a copy of the previously mailed correspondence, bearing a certificate of mailing dated January 12, 2007. The file record indicates that the originally submitted papers were ultimately received on February 6, 2007.

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:

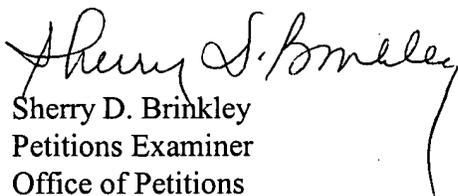
In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, 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 July 12, 2006 is hereby withdrawn and the application restored to pending status.

This application is being referred to Technology Center AU 2617 for appropriate action in the normal course of business on the reply received with petition.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**MASS ENGINEERED DESIGN INC.
474 WELLINGTON STREET WEST
TORONTO ON M5V-1E3 CA CANADA**

COPY MAILED

SEP 22 2008

In re Application of
Jerry Moscovitch
Application No. 11/055,494
Filed: February 11, 2005
Attorney Docket No. 13772-11

:
:
: **OFFICE OF PETITIONS**
: **DECISION GRANTING PETITION**
: **UNDER 37 CFR 1.313(c)(3)**
:

This is a decision on the petition, filed September 19, 2008, under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioner requests that the above-identified application be withdrawn from issue for express abandonment. *See* 37 CFR 1.313(c)(3).

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

Terri Williams
Petitions Examiner
Office of Petitions



PERMAN & GREEN
425 POST ROAD
FAIRFIELD, CT 06824

COPY MAILED

OCT 18 2005

OFFICE OF PETITIONS

In re Application of :
Hughes :
Application No. 11/055,510 :
Filed: February 10, 2005 :
Attorney Docket No. 446P010841-US (D03) :

ON PETITION

This is a decision on the petition filed July 15, 2005, in response to the "Notice Of Omitted Item(s)" mailed June 30, 2005.

The petition is **dismissed**.

The application was filed on February 10, 2005.

On June 30, 2005, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" stating that the application had been accorded a filing date of February 10, 2005, and advising applicants that page 1 of the specification appeared to be missing.

In response, the present petition was filed.

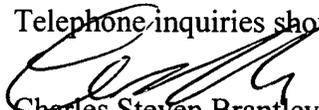
Petitioner does not contend a specification page labeled as page 1 was filed with the Office and misplaced by the Office. Instead, the present petition states the page numbers on the papers submitted are incorrect. The pages are numbered 2 to 18. The pages should have been numbered 1 to 17.

Petitioner should file an amendment correcting the page numbers. An amendment, rather than a petition, is the proper method to correct the page numbers.¹

The petition fee will not be refunded since the present petition was unnecessary.

The Office of Initial Examination will continue to prepare the application for examination.

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


Charles Steven Brantley
Petitions Attorney
Office of Petitions

¹ The Notice of Omitted Items gave petitioner three options:

- (1) File a petition (with fee) and evidence establishing the missing page was submitted,
- (2) File a petition, petition fee, the missing page, and request a filing date as of the date that the petition and missing page are submitted, or
- (3) Accept the application as deposited.

Petitioner apparently has chosen option (3). When an applicant wishes to amend the specification (by relabeling figures or pages) then a formal amendment must be filed rather than a petition.



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

COPY MAILED

OCT 07 2008

OFFICE OF PETITIONS

In re Application of :
Naoki Matsuda, et al. :
Application No. 11/055,515 : DECISION DISMISSING PETITION
Filed: February 11, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 0425-1116PUS2 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 6, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED AS MOOT**.

Unfortunately, the petition was not referred to the appropriate deciding official for decision until after the issuance of this application into a patent. However, petitioner's attention is directed to 37 CFR 1.313(d), which states:

A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue**. (Emphasis added)

In this case, the petition was not received in the Office of Petitions for consideration until October 6, 2008 after 5:00 pm. Therefore, as the case has now issued, the petition to withdraw from issue cannot be granted.

The request for continued examination (RCE) filed concurrently with the petition is improper in view of the issuance of this application into a patent and will not be processed. Accordingly, the \$810 filing fee and the \$130 petition fee submitted are unnecessary and will be refunded in due course.

The Information Disclosure Statement has been made of record in the file of the above-identified application without further consideration. See 37 CFR 1.97(i).

Petitioner is advised that while petitions to withdraw from issue may be filed electronically to the Commissioner for Patents, as was done in this case, applicants were cautioned to hand carry or fax petitions to withdraw from issue directly to the Office of Petitions. *See* MPEP § 1308.

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

/April M. Wise/
April M. Wise
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

BROOKS KUSHMAN P.C. /Oracle America/ SUN / STK
1000 TOWN CENTER, TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075-1238

Mail Date: 06/04/2010

Applicant : Ravi K. Kavuri : DECISION ON REQUEST FOR
Patent Number : 7627617 : RECALCULATION of PATENT
Issue Date : 12/01/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/055,523 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/10/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **443** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DWW Jan-09

DILLON & YUDELL LLP
8911 N. CAPITAL OF TEXAS HWY.,
SUITE 2110
AUSTIN TX 78759

COPY MAILED
JAN 12 2009

In re Application of :
Fields et al. : DECISION ON PETITION
Application Number: 11/055524 :
Filing Date: 02/10/2005 :
Attorney Docket Number: :
AUS920040803US1 :

This is a decision on the petition filed on December 15, 2008, under 37 CFR 1.137(a),¹ to revive the above-identified application which is first treated as a petition to withdraw the holding of abandonment.

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

¹ 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(1);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

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

"Renewed Petition to withdraw the holding of abandonment," or as discussed below "Renewed Petition under 37 CFR 1.137(b)."

The application became abandoned on May 24, 2008, for failure to timely file a response to the Notification of Non-Compliant Appeal Brief (37 CFR 41.37) mailed on April 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 December 5, 2008.

Petitioner asserts that the Notification of Non-Compliant Appeal Brief (37 CFR 41.37) mailed on April 23, 2008, was never received. In support, petitioner's counsel, registered patent practitioner Brian F. Russel, states that he personally conducted a search of the file jacket and docket records for this application and determined that the office communication was not received. A copy of a record entitled "Events D&Y - Listing with Children" has been attached, showing the filing of the Appeal Brief on February 14, 2008.

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the Notification of Non-Compliant Appeal Brief (37 CFR 41.37) mailed on April 23, 2008, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notification of Non-Compliant Appeal Brief (37 CFR 41.37) mailed on April 23, 2008 was properly mailed to the address of record. This presumption may be overcome by a showing that the Notification of Non-Compliant Appeal Brief (37 CFR 41.37) mailed on April 23, 2008 was not in fact received.

MPEP 711.03(c) states, in pertinent part:

In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely

pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

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

(emphasis added)

Petitioner has not provided a copy of the master docket for the firm, nor stated whether the docket record provided is a master docket.

In accordance with MPEP 711.03(c), a copy of the practitioner's record(s) required to show non-receipt of the Notification of Non-Compliant Appeal Brief (37 CFR 41.37) mailed on April 23, 2008 should include the master docket for the firm. That is, if a one (1) month period for reply was set in the nonreceived Notification of Non-Compliant Appeal Brief (37 CFR 41.37) mailed on April 23, 2008, a copy of the master docket report showing all replies docketed for a date one (1) month from the mail date of the nonreceived Notification of Non-Compliant Appeal Brief (37 CFR 41.37) mailed on April 23, 2008 must be submitted as documentary proof of nonreceipt of the Notification of Non-Compliant Appeal Brief (37 CFR 41.37) mailed on April 23, 2008. 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.

Accordingly, the petition is dismissed, but such dismissal is without prejudice to reconsideration pending submission of the information requested above.

PETITION UNDER 37 CFR 1.137(a)

A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; 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(1);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

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

The petition lacks item (3).

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".² 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.³

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

² 35 U.S.C. § 133.

³ In re Mattullath, 38 App. D.C. 497, 514-15 (1912) (quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

otherwise reliable employees, the response is not timely received in the Office.⁴

Petitioner's argument has been considered, but is not persuasive. Petitioner is responsible for the proper prosecution of his application. A delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an "unavoidable" delay.⁵ 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: (1) the applicant's reliance upon oral advice from Office employees; or (2) the Office's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action.⁶

Petitioner asserts unavoidable delay because the Notification of Non-Compliant Appeal Brief (37 CFR 41.37) mailed on April 23, 2008 was never received. As stated above, petitioner's showing that Notification of Non-Compliant Appeal Brief (37 CFR 41.37) mailed on April 23, 2008 was never received is lacking because the requirements set forth in MPEP 711.03(c) to establish that an Office communication was never received have not been met. Accordingly, the showing of record does not support a finding that the delay was unavoidable. The petition must therefore be dismissed.

However, such dismissal is without prejudice to reconsideration pending submission of the information requested above (i.e., a master docket report) with any renewed petition.

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

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

⁴ Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

⁵ See Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (N.D. Ind. 1987), Vincent v. Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

⁶ See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985); see also In re Colombo, Inc., 33 USPQ2d 1530, 1532 (Comm'r Pat. 1994) (while the Office attempts to notify applicants of deficiencies in their responses in a manner permitting a timely correction, the Office has no obligation to notify parties of deficiencies in their responses in a manner permitting a timely correction).

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

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

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

A handwritten signature in black ink, appearing to read "D Wood", with a long horizontal stroke extending to the right.

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
D1W Apr-09

DILLON & YUDELL LLP
8911 N. CAPITAL OF TEXAS HWY.,
SUITE 2110
AUSTIN TX 78759

MAILED
APR 09 2009
OFFICE OF PETITIONS

In re Application of :
Fields et al. : DECISION ON PETITION
Application Number: 11/055524 :
Filing Date: 02/10/2005 :
Attorney Docket Number: :
AUS920040803US1 :

This is a decision on the renewed petition filed on March 5, 2009, under 37 CFR 1.137(a).¹

The petition is **GRANTED**.

The application became abandoned on May 24, 2008, for failure to timely file a response to the Notification of Non-Compliant Appeal Brief (37 CFR 41.37) mailed on April 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 December 5, 2008. The petition filed on December 15, 2008 was dismissed on January 12, 2009.

¹ 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(1);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

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

The application is restored to pending status.

The petition fee was paid with the original petition filed on December 15, 2008. Accordingly, the duplicate fee paid with the subject renewed petition is unnecessary and will be credited to counsel's deposit account.

The application is being referred to Technology Center Art Unit 2189 for further processing.

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



Douglas I. Wood
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

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

Mail Date: 04/20/2010

Applicant	: James Stephen Fields JR.	: DECISION ON REQUEST FOR
Patent Number	: 7584329	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/055,524	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **702** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARTHA ANN FINNEGAN, ESQ.
CABOT CORPORATION
BILLERICA TECHNICAL CENTER
157 CONCORD ROAD
BILLERICA, MA 01821-7001

COPY MAILED

JAN 17 2007

OFFICE OF PETITIONS

In re Application of :
Wickersham et al. :
Application No. 11/055,535 :
Filed: February 10, 2005 :
Attorney Docket No. 04077 :

DECISION GRANTING PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed November 13, 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 February 7, 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.

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 April 26, 2007, accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 1742 for examination in due course.

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



Liana Walsh
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

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/055,535	02/10/2005	Charles E. Wickersham JR.	04077

CONFIRMATION NO. 6262

Martha Ann Finnegan, Esq.
 CABOT CORPORATION
 Billerica Technical Center
 157 Concord Road
 Billerica, MA 01821-7001

Date Mailed: 01/17/2007

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

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

The projected publication date is 04/26/2007.

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

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

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

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

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



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

**SYNECOR LLC
P.O. BOX 5325
LARKSPUR, CA 94977**

COPY MAILED

DEC 08 2009

OFFICE OF PETITIONS

In re Application of :
Michael S. WILLIAMS, et al :
Application No. 11/055,540 : **DECISION ON PETITION**
Filed: February 10, 2005 :
Attorney Docket No. NMX-120 :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, January 16, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 17, 2009.

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

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

This application is being referred to Technology Center AU 3767 for appropriate action by the Examiner in the normal course of business on the reply received September 29, 2009.

/Diane C. Goodwyn/
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

THOMPSON HINE L.L.P.
Intellectual Property Group
P.O. BOX 8801
DAYTON, OH 45401-8801

Mail Date: 06/29/2010

Applicant : James R. Stewart III : DECISION ON REQUEST FOR
Patent Number : 7644021 : RECALCULATION of PATENT
Issue Date : 01/05/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/055,549 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/10/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **1163** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

THOMPSON HINE LLP
2000 COURTHOUSE PLAZA NE
10 WEST SECOND STREET
DAYTON, OH 45402-1758

COPY MAILED

SEP 07 2005

In re Application of :
Edward P. Van Note et al :
Application No. 11/055,553 :
Filed: February 9, 2005 :
Attorney Docket No. 057069-007 :

OFFICE OF PETITIONS

**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 February 9, 2005, rather than the presently accorded date of February 10, 2005. The petition is properly treated as a petition under 37 CFR 1.10(d).

The petition is **GRANTED**.

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on February 9, 2005 pursuant to 37 CFR 1.10. Petitioner has provided a copy of the Express Mail label receipt no. ER077030919US, which shows that the date-in was not entered. In view thereof, petitioner has provided a copy of the results from the USPS Track and Confirm database that shows that package was enroute February 9, 2005 to the USPTO. Applicants are alleging that while the date-in is blank, the correct date of mailing pursuant to 37 CFR 1.10 is February 9, 2005. The same Express Mail number appears on the originally filed application papers.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label, MPEP 513. However, in view of the results from the USPS Track and Confirm database, it is confirmed that the package bearing Express Mail label No. ER077030919US was accepted on February 9, 2005.

This application file is being returned to the Office of Initial Patent Examination Division for **correction of the filing date to February 9, 2005**.

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

Marianne E. Jenkins
Marianne E. Jenkins
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

Seed Intellectual Property Law Group PLLC
701 Fifth Ave.
Suite 5400
Seattle, WA 98104

COPY MAILED

JUL 02 2007

OFFICE OF PETITIONS

In re Application of :
Timm A. Peddie et al. :
Application No. 11/055,558 : **DECISION ON PETITION**
Filed: February 10, 2005 : **TO WITHDRAW**
Attorney Docket No. 870207.401 : **FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 14, 2006.

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

A review of the file record indicates that the power of attorney to Seed Intellectual Property Law Group PLLC has been revoked by the assignee of the patent application on March 21, 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.

J. Williams
Terri Williams
Petitions Examiner
Office of Petitions

cc: **White & Case LLP**
Patent Department
1155 Avenues of the Americas
New York, NY 10036



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
D1W Aug-05

FOLEY & LARDNER
777 EAST WISCONSIN AVENUE
SUITE 3800
MILWAUKEE WI 53202-5308

COPY MAILED

AUG 09 2005

OFFICE OF PETITIONS

In re Application of :
Flask and Marks :
Application No. 11/055,582 : DECISION ACCORDING STATUS
Filed: 10 February, 2005 : UNDER 37 CFR 1.47(a)
Atty Docket No. 048675-0157 :

This is in response to the petition filed under 37 CFR 1.47(a) on 14 July, 2005.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Orin F. Flask, has refused to review the sign the declaration after having been sent a copy of the application papers. Specifically, petitioners have shown, via the declaration of registered patent attorney Sean P. Connolly, that a copy of the application papers were sent to the non-signing inventor's last known address, but that the non-signing inventor failed to sign and return the declaration naming him as a joint inventor along with Robert Marks.

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 address listed in the declaration is being construed as the last known address for the non-signing inventor. Petitioners must inform the Office if this is not a correct interpretation.

It is noted that the Exhibits A-D referenced in the declaration of attorney Connolly were missing from the papers received with the present petition. Applicants should supply a duplicate copy of these papers to the Office to complete the official record.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the

address given in the declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

The application is being referred to Technology Center Art Unit 2821 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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

Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
901 New York Avenue, N.W.
Washington, DC 20001-4413

Mail Date: 04/21/2010

Applicant	: Paul Scopton	: DECISION ON REQUEST FOR
Patent Number	: 7632266	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/055,604	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1045** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**BIOTECH BEACH LAW
GROUP, PC
625 BROADWAY
SUITE 1210
SAN DIEGO CA 92101**

MAILED

MAR 25 2009

OFFICE OF PETITIONS

In re Application of
Xiaobo Wang et al
Application No. 11/055,639
Filed: February 9, 2005
Attorney Docket No. ACE-00107.P.1-
US

:
:
: DECISION ON PETITION
:
:
:

This is a decision on the petition under 37 CFR 1.182, filed February 17, 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.

This application is being referred to Technology Center AU 1797 for continued examination in due course.

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

Karen Creasy

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
P.O. Box 1430
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/055,639, 02/09/2005, 1797, 815, ACE-00107.P.1-US, 19, 1

CONFIRMATION NO. 2679

CORRECTED FILING RECEIPT



59538
BIOTECH BEACH LAW GROUP , PC
625 BROADWAY
Suite 1210
SAN DIEGO, CA 92101

Date Mailed: 03/19/2009

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)

Xiaobo Wang, San Diego, CA;
Xiao Xu, San Diego, CA;
Yama Abassi, San Diego, CA;

Power of Attorney: The patent practitioners associated with Customer Number 59538

Domestic Priority data as claimed by applicant

This application is a CIP of 10/987,732 11/12/2004 PAT 7,192,752
which claims benefit of 60/519,567 11/12/2003
and is a CIP of 10/705,447 11/10/2003 PAT 7,470,533
which claims benefit of 60/469,572 05/09/2003
and claims benefit of 60/435,400 12/20/2002
and said 10/987,732 11/12/2004
is a CIP of 10/705,615 11/10/2003 PAT 7,459,303
which claims benefit of 60/469,572 05/09/2003
and claims benefit of 60/435,400 12/20/2002
This application 11/055,639
claims benefit of 60/542,927 02/09/2004
and claims benefit of 60/548,713 02/27/2004
and claims benefit of 60/614,601 09/29/2004

Foreign Applications

UNITED STATES OF AMERICA PCT/US03/22557 07/18/2003
UNITED STATES OF AMERICA PCT/US03/22537 07/18/2003

If Required, Foreign Filing License Granted: 04/26/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/055,639**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Real time electronic cell sensing system and applications for cytotoxicity profiling and compound assays

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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



FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

COPY MAILED

MAY 31 2007

OFFICE OF PETITIONS

In re Patent No. 7,176,323 :
Issued: February 13, 2007 : DECISION ON APPLICATION FOR
Application No. 11/055,645 : PTA and NOTICE OF INTENT
Filed: February 9, 2005 : TO ISSUE CERTIFICATE OF
Atty. Dkt. No.: 05009C/HG : CORRECTION

This decision is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN AN ISSUED PATENT (37 CFR §1.705(d)), " filed February 15, 2007.

The request for reconsideration of patent term adjustment (PTA) is **GRANTED**.

The above-identified application matured into U.S. Patent No. 7, 176,323 on February 13, 2007. The instant request for reconsideration was timely filed February 15, 2007 in accordance with 37 CFR 1.705(d). The patent issued with a PTA of 174 days. Patentees argue that the adjustment accorded the patent was improperly reduced four days in connection with the "COMMENTS ON THE NOTICE OF ALLOWANCE," filed October 17, 2006.

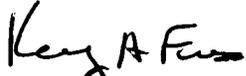
A review of the application history reveals that the adjustment of 178 days was improperly reduced four days, as argued by patentees, in connection with the "COMMENTS ON THE NOTICE OF ALLOWANCE," filed October 17, 2006. The Office has found that papers related to comments on the examiner's statement of reasons for allowance do not constitute failures to engage in reasonable efforts to conclude prosecution. See, MPEP 2732. See, also, 1247 Off. Gaz. Pat. Off. 111 (June 26, 2001).

In view thereof, at the time of issuance, the patent was entitled to an adjustment of 178 days, as argued by patentees.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 178 days.

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

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



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

CC: Draft Certificate of Correction

Day : Wednesday

Date: 5/30/2007

Time: 13:56:49


PALM INTRANET
PTA Calculations for Application: 11/055645

Application Filing Date:	02/09/2005	PTO Delay (PTO):	178
Issue Date of Patent:	02/13/2007	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	4
Post-Issue Petitions:	0	Total PTA (days):	178
PTO Delay Adjustment:	4		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
41	05/30/2007	ADJUSTMENT OF PTA CALCULATION BY PTO	4		
37	02/13/2007	PATENT ISSUE DATE USED IN PTA CALCULATION			
36	01/10/2007	EXPORT TO FINAL DATA CAPTURE			
35	01/09/2007	DISPATCH TO FDC			
34	01/09/2007	APPLICATION IS CONSIDERED READY FOR ISSUE			
33	01/03/2007	ISSUE FEE PAYMENT VERIFIED			
32	01/03/2007	ISSUE FEE PAYMENT RECEIVED			
31	11/13/2006	FINISHED INITIAL DATA CAPTURE			
30	10/17/2006	MISCELLANEOUS INCOMING LETTER		4	28
29	10/17/2006	RESPONSE TO REASONS FOR ALLOWANCE			
28	10/20/2006	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
27	10/09/2006	EXPORT TO INITIAL DATA CAPTURE			
26	10/16/2006	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
25	10/04/2006	MAIL NOTICE OF ALLOWANCE	178		-1
24	10/02/2006	ISSUE REVISION COMPLETED			
23	10/02/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
22	10/02/2006	CASE DOCKETED TO EXAMINER IN GAU			
21	10/02/2006	NOTICE OF ALLOWABILITY			
20	03/18/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
19	07/20/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
		CERTIFIED TRANSLATION OF FOREIGN			

18	02/09/2005	PRIORITY DOCUMENT			
17	09/14/2006	CASE DOCKETED TO EXAMINER IN GAU			
16	07/20/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	03/18/2005	REFERENCE CAPTURE ON IDS			
14	03/18/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	03/30/2005	APPLICATION RETURN FROM OIPE			
12	03/30/2005	APPLICATION RETURN TO OIPE			
11	03/29/2005	APPLICATION DISPATCHED FROM OIPE			
10	03/30/2005	APPLICATION IS NOW COMPLETE			
9	03/18/2005	ADDITIONAL APPLICATION FILING FEES			
8	03/18/2005	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
7	03/15/2005	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
3	03/04/2005	CLEARED BY OIPE CSR			
2	03/02/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	02/09/2005	INITIAL EXAM TEAM NN			

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back use Back button on your browser toolbar.

Back to [PALM](#) | [ASSIGNMENT](#) | [OASIS](#) | [Home page](#)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,176,323B2
DATED : February 13, 2007
INVENTOR(S) : Okazaki, 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 174 days

Delete the phrase "by 174 days" and insert – by 178 days--



BANNER & WITCOFF
1001 G STREET NW
SUITE 1100
WASHINGTON DC 20001

COPY MAILED

SEP 01 2005

OFFICE OF PETITIONS

In re Application of :
Tomoharu Tanaka et al :
Application No. 11/055,655 : **ON PETITION**
Filed: February 11, 2005 :
Attorney Docket No. 001701.00301 :

This is a decision on the petition, filed August 29, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 18, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

The examiner of Technology Center AU 2824 will consider the request for continued examination under 37 CFR 1.114.

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

McKEE, VOORHEES & SEASE PLC
801 GRAND AVENUE
SUITE 3200
DES MOINES, IA 50309-2721

COPY MAILED

AUG 10 2006

OFFICE OF PETITIONS

In re Application of :
Puneet Nanda :
Application No. 11/055,664 : DECISION GRANTING PETITION
Filed: February 10, 2005 : UNDER 37 CFR 1.137(b)
Attorney Docket No. P06667US00 :

This is a decision on the petition, filed April 14, 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 February 10, 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.

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);

- (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 November 9, 2006, has been mailed under separate cover.

The petition fee is \$750 (and not \$665 as indicated in the petition). Accordingly, the \$750 petition fee will be charged to petitioner's deposit account.

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

This application file is before Technology Center AU 3732 for examination in due course.



Frances Hicks
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

STANDLEY LAW GROUP LLP
495 METRO PLACE SOUTH
SUITE 210
DUBLIN OH 43017

COPY MAILED

JUN 11 2007

OFFICE OF PETITIONS

Patent No. 7,131,616 :
Issue Date: November 7, 2006 : DECISION ON REQUEST FOR
Application No. 11/055,689 : RECONSIDERATION OF
Filed: February 11, 2005 : PATENT TERM ADJUSTMENT
Atty Docket No. 942545-CIP :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)," filed November 13, 2006. Patentee requests that the patent term adjustment indicated in the patent be corrected from twenty-five (25) days to eighty-three (83) days.

The request for reconsideration of patent term adjustment is **GRANTED-IN-PART**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of eighty-three (83) days.

On November 7, 2006, the application matured into U.S. Patent No. 7,131,616 with a revised patent term adjustment of 25 days. On November 13, 2006, 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 83 days. Patentee disputes the reduction of 58 days for the filing of an amendment after allowance pursuant to Rule §1.312 on September 11, 2006. In effect, patentee asserts

that a power of attorney was submitted on this date, and that no amendment pursuant to Rule §1.312 was filed.

The electronic record has been reviewed, and patentee appears to be correct regarding this amendment. Moreover, it is noted that pursuant to MPEP § 2732, the submission of a power of attorney subsequent to the mailing of a notice of allowance does not constitute a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application.

It is further noted that the record shows 83 days of Office delay, for the application was filed on February 11, 2005, and a First Office action (Notice of Allowance) was not mailed until July 3, 2006. Since this exceeds 14 months from the actual filing date of the application, this constitutes 83 days of Office delay.

It does not appear that there has been any Applicant delay.

As such, the total PTA equals 83 minus 0, which equals 83 days.

In view thereof, the patent should have issued with a patent term adjustment of eighty-three (83) days.

The \$200.00 fee set forth in 37 CFR 1.18(e) has been charged to Petitioner's Deposit Account, as authorized in the petition. No additional fees are required.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **eighty-three (83) 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
DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,131,616 B2
DATED : November 7, 2006
INVENTOR(S) : Livingstone

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 (25) days

Delete the phrase "by 25" and insert – by 83 days--



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

LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109

COPY MAILED
JUN 23 2006
OFFICE OF PETITIONS

In re Application of :
Pompejus et al. :
Application No. 11/055,717 :
Filed: February 11, 2005 : ON PETITION
Attorney Docket Number: :
BGI-178USCN :

This is a decision in response to the petition under 37 CFR 1.137(b), filed March 3, 2006, to revive the above-identified application.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (hereinafter "Notice"), mailed March 14, 2005. Notice set a two (2) month period for reply from the mail date of the Notice, and also provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned May 15, 2005. The mailing of this Decision precedes the mailing of a Notice of Abandonment.

With the instant petition Petitioner has filed a complete reply to the Notice.

This application is being referred to the Office of Initial Patent Examination for continued processing in due course.

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


Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 04/21/2010

Applicant : Kemal Vatansever Catalan : DECISION ON REQUEST FOR
Patent Number : 7626073 : RECALCULATION of PATENT
Issue Date : 12/01/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/055,743 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/10/2005 : 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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : Not Yet Known *11-055749* Confirmation No. Unknown
 Applicant(s) : Nicholas Gerald GREY
 Filed : Concurrently Herewith *2-11-05*
 TC/A.U. : Not Yet Known *1744*
 Examiner : Not Yet Known *Spisich, Mark*
 Title : SURFACE CLEANING APPARATUS
 Docket No. : ERPC.118604

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-145

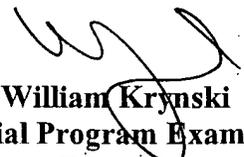
**PETITION TO MAKE SPECIAL UNDER 37 CFR § 1.102(d)
 ON THE BASIS OF ACTUAL INFRINGEMENT**

Dear Sir:

Applicant requests that this application be examined on an expedited basis by way of grant of this Petition. This Petition is being filed with the application, which is a divisional of Serial No. 10/700,674, which is a continuation of 10/450,001, which is a national stage filing of International Application No. PCT/GB02/03309. Also enclosed with this Petition are a copy of the Declaration and Power of Attorney from parent application Serial No. 10/700,674; an Application Data Sheet, a Preliminary Amendment, the filing fee, an Information Disclosure Statement, and the Petition fee under 37 § CFR 1.17(h). Applicant requests that the filing fee and Petition fee be charged to Deposit Account No. 19-2112.

This request is based on actual infringement. Further to that regard, the undersigned states as follows:

PETITION GRANTED


 William Krynski
 Special Program Examiner
 TC 1700

NOV 16 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

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

AT&T CORP.
ROOM 2A207
ONE AT&T WAY
BEDMINSTER, NJ 07921

COPY MAILED

AUG 31 2007

OFFICE OF PETITIONS

In re Application of :
Charles Robert Kalmanek Jr., et. al. :
Application No. 11/055,785 : **ON PETITION**
Filed: February 11, 2005 :
Attorney Docket No. 113335E CON2 :

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

The petition is **DISMISSED**.

The application became abandoned for failure to respond to the non-final Office action mailed September 20, 2006. A Notice of Abandonment was mailed on July 16, 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 Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) (4).

In this regard, receipt is acknowledged of the amendment and a terminal disclaimer with a \$130 fee on August 6, 2007. However, the terminal disclaimer is not the appropriate response to the non-final Office action of September 20, 2006, since it does not operate to obviate the double patenting rejection over a prior patent under 37 CFR 1.321. A copy of the proper terminal disclaimer is enclosed for petitioner's convenience.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy

copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

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

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

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

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Terminal Disclaimer under 37 CFR 1.321 (PTO/SB/26)

cc: Law Office of Ronald D. Slusky
 353 West 56th Street - Suite 5L
 New York, NY 10019

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.

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.

**TERMINAL DISCLAIMER TO OBLIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

In re Application of:

Application No.:

Filed:

For:

The owner*, _____, of _____ percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. _____ as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

expires for failure to pay a maintenance fee;

is held unenforceable;

is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

has all claims canceled by a reexamination certificate;

is reissued; or

is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record. Reg. No. _____

Signature

Date

Typed or printed name

Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. 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.



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

AT&T CORP.
ROOM 2A207
ONE AT&T WAY
BEDMINSTER, NJ 07921

COPY MAILED

AUG 31 2007

OFFICE OF PETITIONS

In re Application of :
Charles Robert Kalmanek Jr., et. al. :
Application No. 11/055,785 : **ON PETITION**
Filed: February 11, 2005 :
Attorney Docket No. 113335E CON2 :

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

The petition is **DISMISSED**.

The application became abandoned for failure to respond to the non-final Office action mailed September 20, 2006. A Notice of Abandonment was mailed on July 16, 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 Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) (4).

In this regard, receipt is acknowledged of the amendment and a terminal disclaimer with a \$130 fee on August 6, 2007. However, the terminal disclaimer is not the appropriate response to the non-final Office action of September 20, 2006, since it does not operate to obviate the double patenting rejection over a prior patent under 37 CFR 1.321. A copy of the proper terminal disclaimer is enclosed for petitioner's convenience.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy

copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

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

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

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

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

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



Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Terminal Disclaimer under 37 CFR 1.321 (PTO/SB/26)

cc: Law Office of Ronald D. Slusky
 353 West 56th Street - Suite 5L
 New York, NY 10019



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

AT&T CORP.
ROOM 2A207
ONE AT&T WAY
BEDMINSTER, NJ 07921

COPY MAILED

AUG 31 2007

OFFICE OF PETITIONS

In re Application of :
Charles Robert Kalmanek Jr., et. al. :
Application No. 11/055,785 : **ON PETITION**
Filed: February 11, 2005 :
Attorney Docket No. 113335E CON2 :

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

The petition is **DISMISSED**.

The application became abandoned for failure to respond to the non-final Office action mailed September 20, 2006. A Notice of Abandonment was mailed on July 16, 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 Commissioner may require additional information. See MPEP 711.03(c)(III)(c) and (D). The instant petition lacks item(s) (4).

In this regard, receipt is acknowledged of the amendment and a terminal disclaimer with a \$130 fee on August 6, 2007. However, the terminal disclaimer is not the appropriate response to the non-final Office action of September 20, 2006, since it does not operate to obviate the double patenting rejection over a prior patent under 37 CFR 1.321. A copy of the proper terminal disclaimer is enclosed for petitioner's convenience.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy

copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

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

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

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

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



Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Terminal Disclaimer under 37 CFR 1.321 (PTO/SB/26)

cc: Law Office of Ronald D. Slusky
 353 West 56th Street - Suite 5L
 New York, NY 10019



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

AT&T CORP.
ROOM 2A207
ONE AT&T WAY
BEDMINSTER, NJ 07921

COPY MAILED

DEC 07 2007

OFFICE OF PETITIONS

In re Application of :
Charles Robert Kalmanek Jr. et. al. :
Application No. 11/055,785 :
Filed: February 11, 2005 :
Attorney Docket No. 113335E CON2 :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on October 11, 2007, to revive the above-identified application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied the required terminal disclaimers and \$130 fee for each. Therefore, the petition is **GRANTED**.

The terminal disclaimers under 37 CFR 1.321 filed October 11, 2007, have been accepted and made of record.

This application file is being referred to Technology Center Art Unit 2614 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



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

COPY MAILED

DEC 27 2006

OFFICE OF PETITIONS

In re Application of	:
Simon Daniel Brueckheimer et al	:
Reissue Application No. 11/055,787	:
Filed: February 10, 2005	:
Original Application No. 09/202,423	: DECISION NOTING JOINDER OF
Filed: April 29, 1999	: INVENTOR AND PETITION
Patent No. 6,519,257	: UNDER 37 CFR 1.47(a)
Issue Date: February 11, 2003	:
Attorney Docket No. 920476-98371	:

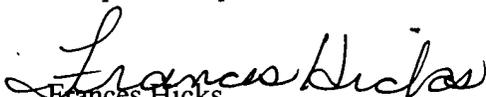
This is a decision on the petition under 37 CFR 1.47(a), filed February 10, 2005, to accept the filing of this reissue application without the signature of all the named inventors; namely, David John Stacey. However, papers filed on April 25, 2005, in response to a Notice to File Missing Parts of Reissue Application mailed on April 5, 2005, included a \$130 surcharge fee and a declaration signed by the asserted previously non-signing inventor, David John Stacey, in compliance with 37 CFR 1.63. The declaration is also signed by Roy Harold Mauger, whose signature was originally missing on the declaration.

The petition is **DISMISSED AS MOOT**.

The Office has now received a reissue declaration signed by all the named inventors. Therefore, in view of the joinder in this application of David John Stacey, the asserted non-signing 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 application is being referred to Technology Center AU 2616 for appropriate action as the nature of the case requires.

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


Frances Hicks
Petitions Examiner
Office of Petitions



IBM CORP (YA)
C/O YEE & ASSOCIATES PC
P.O. BOX 802333
DALLAS TX 75380

COPY MAILED

OCT 25 2007

OFFICE OF PETITIONS

In re Application of :
Frommer, et al. :
Application No. 11/055,818 : **DECISION ON PETITION**
Filed: February 11, 2005 :
Attorney Docket No. AUS920041074US1 :

This is a decision on the petition, filed August 22, 2007, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before June 26, 2007, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed March 26, 2007.

Petitioner asserts that the Notice dated March 26, 2007 was not received.

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

1. a statement from practitioner stating that the Notice was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Notice was not received; and
3. a copy of the docket record where the nonreceived Notice would have been entered and docketed had it been received must be attached to and referenced in the practitioner's statement.

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

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

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

This application is being referred to the Technology Center AU 2187 technical support staff for **re-mailing** the Notice of Allowability and the Notice of Allowance and Fee(s) Due of March 26, 2007. The period for paying the issue and publication fees and submitting corrected drawings, if required, 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.



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date Mailed : 05/07/08

Patent No. : 7257210 B1

Patent Issued : 08/14/07

Docket No. : 3052/123

Re: Request for Certificate of Correction

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

Respecting the alleged errors in the documents filed on 12/19/07; please see attachment.

"Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322."

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

Lamonte M. Newsome

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

**ROBERT K. TENDLER
65 ATLANTIC AVENUE
BOSTON MA 02110**

LMN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : March 14, 2008

TO SPE OF : ART UNIT 2614

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/055846 Patent No.: 7257210 B1

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

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

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

DO NOT SENT TO ATTORNEY

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

Certificates of Correction Branch (CofC)

South Tower - 9A22

Palm Location 7580

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

LAMONTE NEWSOME

Certificates of Correction Branch

703-308-9390 ext. 112

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: The proposed changes did change the scope of the claims. /Fan Tsang/ SPE of AU2614

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE

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

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

Mail Date: 04/20/2010

Applicant : James Wilson Bishop : DECISION ON REQUEST FOR
Patent Number : 7631308 : RECALCULATION of PATENT
Issue Date : 12/08/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/055,850 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/11/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **1234** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



FERNANDEZ & ASSOCIATES, LLP
PO BOX D
MENLO PARK CA 94025-6204

COPY MAILED

JUN 23 2008

OFFICE OF PETITIONS

In re Application of :
SHAMAH, Benjamin N. et al. :
Application No. 11/055,899 :
Filed: February 10, 2005 :
Attorney Docket No. VEL-P003 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 14, 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 Dennis Fernandez on behalf of all attorneys of record who are associated. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed April 23, 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
Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: BENJAMIN N. SHAMAH
477 MARGARITA AVENUE
PALO CA 94306

cc: AGILENT TECHNOLOGIES
900 SOUTH TAFT AVE-BLDG E
LOVELAND CO 80537



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

HARRINGTON & SMITH
4 RESEARCH DRIVE, Suite 202
SHELTON, CT 06484-6212

Mail Date: 04/21/2010

Applicant	: Mark E. Molander	: DECISION ON REQUEST FOR
Patent Number	: 7614006	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/055,906	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **851** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Michael G. Cameron, Esq.
2025 Savannah Drive
McKinney TX 75070

COPY MAILED

JUN 20 2007

In re Application of
Clyde Holmes
Application No. 11/055,912
Filed: February 11, 2005
Attorney Docket No. HOLM.0001

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 2, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of the applicant's birth certificate proving that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2626 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
www.uspto.gov

SHERRILL LAW OFFICES
4756 BANNING AVE
SUITE 212
WHITE BEAR LAKE MN 55110-3205

In re Application of	:	
<u>DILLON, REILY M.</u> et al.	:	JAN 13 2009
Application No.: 11/055,913	:	DECISION ON
Filing or 371(c) Date: 02/11/05	:	PETITION
Attorney Docket Number: OAK003USPT02	:	

This is a decision in response to the "Petition to Withdraw Holding of Abandonment," filed December 22, 2008.

This is **GRANTED**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance, mailed February 28, 2008.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 308-9250 ext. 175.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management



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

Reza Yacoob
Sanofi Pasteur Limited
1755 Steeles Avenue West
Toronto Ontario M2R3T-4 CA CANADA

COPY MAILED

JAN 0 5 2006

OFFICE OF PETITIONS

In re Application of :
Martina Ochs :
Application No.: 11/055,918 : ON PETITION
Filed: February 11, 2005 :
Attorney Docket No: API-04-02-US :

This is in response to the petition under 37 CFR 1.137(b) filed December 13, 2005.

The petition under 37 CFR 1.137(b) is granted.

On March 15, 2005, a "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office allowing a two-month period for reply. Extension of time were available pursuant to 37 CFR 1.136(a). The Notice required an oath or declaration, \$130.00 surcharge, and a proper sequence listing. A proper response was not received within the allowable period, and the application became abandoned on May 16, 2005. A Notice of Abandonment was mailed on November 16, 2005.

The declaration filed December 13, 2005, is noted and made of record. The sequence listing filed December 13, 2005, is also noted.

Deposit account 50-0244 will be charged \$130.00 for the surcharge required for the late filing of the declaration.

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

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

Kenya A. McLaughlin
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

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

COPY MAILED

SEP 28 2009

OFFICE OF PETITIONS

In re Application of: :
Baker et al. : ON APPLICATION FOR
Application No. 11/055924 : PATENT TERM ADJUSTMENT
Filing or 371(c) Date: 02/11/2005 :
Atty. Docket No.: H0009652-3174 :

This letter is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed May 28, 2009.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PALM and PAIR screens to reflect that the Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is six hundred thirty-one (631) days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On March 10, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is zero (0) days.

On May 28, 2009, applicant timely submitted the present application for patent term adjustment¹. Applicants dispute the period of reduction of 333 days for the filing of an Information Disclosure Statement (IDS) on September 6, 2007.

Pursuant to 37 CFR 1.704(c)(8), the submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, is a failure to engage in reasonable efforts to conclude prosecution.

A review of the record reveals that the IDS was filed prior to the mailing of an Office action, and thus, prior to any reply to an Office action within the meaning of 37 CFR 1.704(c)(8). The first Office action was mailed on January 2, 2008, with a reply thereto being filed thereafter. As

¹ Office records show that the Issue Fee payment was received in the Office on May 28, 2009.

such, the IDS filed September 6, 2007 was not filed as a supplemental paper within the meaning of 37 CFR 1.704(c)(8). A review of the application history further confirms that the IDS was not otherwise filed under circumstances that constitute a failure to engage in reasonable efforts to conclude prosecution. The period of reduction of 808 days entered for the IDS is not warranted and is being removed.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is 631 days.

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

The application is being forwarded to the Publications Division for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to Attorney Derek L. 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 Adjustment PAIR Calculations

PTA Calculations for Application: 11/055924

Application Filing Date:	02/11/2005	PTO Delay (PTO):	631
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	808
Post-Issue Petitions:	0	Total PTA (days):	631
PTO Delay Adjustment:	808		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
64	09/26/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	808		
53	03/10/2009	MAIL NOTICE OF ALLOWANCE			
52	03/05/2009	ISSUE REVISION COMPLETED			
51	03/05/2009	DOCUMENT VERIFICATION			
50	03/06/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
49	02/26/2009	PG-PUB NOTICE OF NEW OR REVISED PROJECTED PUBLICATION DATE			
48	02/19/2009	RECEIPT OF ALL ACKNOWLEDGEMENT LETTERS			
47	02/10/2009	NOTICE OF ALLOWABILITY			
44	12/12/2008	DATE FORWARDED TO EXAMINER			
43	12/05/2008	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
42	12/12/2008	DATE FORWARDED TO EXAMINER			
41	12/05/2008	REQUEST FOR CONTINUED EXAMINATION (RCE)			
40	12/12/2008	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
39	12/05/2008	WORKFLOW - REQUEST FOR RCE - BEGIN			
38	12/04/2008	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
37	12/03/2008	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
36	09/05/2008	MAIL FINAL REJECTION (PTOL - 326)			
35	09/02/2008	FINAL REJECTION			
34	07/09/2008	DATE FORWARDED TO EXAMINER			
33	07/07/2008	RESPONSE TO ELECTION / RESTRICTION FILED			
32	06/18/2008	MAIL RESTRICTION REQUIREMENT			
31	06/17/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
30	04/12/2008	DATE FORWARDED TO EXAMINER			

29	03/24/2008	RESPONSE AFTER NON-FINAL ACTION			
28	04/07/2008	CASE DOCKETED TO EXAMINER IN GAU			
27	01/02/2008	MAIL NON-FINAL REJECTION	631		-1
26	01/01/2008	NON-FINAL REJECTION			
25	02/11/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
24	09/06/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
23	10/05/2007	CASE DOCKETED TO EXAMINER IN GAU			
22	09/06/2007	ELECTRONIC INFORMATION DISCLOSURE STATEMENT		808	15
21	09/06/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	01/22/2007	CASE DOCKETED TO EXAMINER IN GAU			
19	11/15/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
18	09/17/2005	RECEIPT OF ACKNOWLEDGMENT LETTER			
17	02/11/2005	REFERENCE CAPTURE ON IDS			
16.7	02/11/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
16	02/11/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	06/20/2005	APPLICANT RESPONSE RECEIVED			
14	05/31/2005	REQUEST FOR APPLICANT STATEMENT REGARDING POTENTIAL NASA INTEREST (45-DAY LETTER) MAILED			
13	04/25/2005	APPLICATION RETURN FROM OIPE			
12	04/26/2005	APPLICATION IS NOW COMPLETE			
11	04/25/2005	APPLICATION RETURN TO OIPE			
10	04/25/2005	APPLICATION DISPATCHED FROM OIPE			
9	04/25/2005	APPLICATION IS NOW COMPLETE			
8	04/19/2005	AGENCY REFERRAL LETTER MAILED			
7	04/19/2005	AGENCY REFERRAL LETTER MAILED			
6	04/18/2005	REFERRED FOR NASA PROPERTY RIGHTS REVIEW BY L&R LARS			
5	04/18/2005	REFERRED BY L&R FOR THIRD-LEVEL SECURITY REVIEW. AGENCY REFERRAL LETTER GENERATED			
4	04/18/2005	REFERRED BY L&R FOR THIRD-LEVEL SECURITY REVIEW. AGENCY REFERRAL LETTER GENERATED			
3	03/07/2005	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
2	03/02/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	02/11/2005	INITIAL EXAM TEAM NN			

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to [OASIS](#) | Home page



UNITED STATES PATENT AND TRADEMARK OFFICE

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

HONEYWELL/IFL
Patent Services
101 Columbia Road
P.O.Box 2245
Morristown, NJ 07962-2245

Mail Date: 04/20/2010

Applicant	: Martin C. Baker	: DECISION ON REQUEST FOR
Patent Number	: 7612312	: RECALCULATION OF PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/055,924	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **964** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

PERKINS COIE LLP
POST OFFICE BOX 1208
SEATTLE, WA 98111-1208

COPY MAILED

NOV 13 2006

OFFICE OF PETITIONS

In re Application of :
ROSENBERG :
Application No. 11/055,927 : DECISION ON PETITION
Filed: February 11, 2005 : TO WITHDRAW
Attorney Docket No. 42641.8001.US01 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 09, 2006.

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

A review of the file record indicates that the power of attorney to PERKINS COIE LLP has been revoked by the applicant of the patent application on August 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 Patricia Volpe at 571-272-6825.

Patricia Volpe
Petitions Examiner
Office of Petitions

cc: GREENBERG TRAUIG LLP
2450 COLORADO AVENUE, SUITE 400E
SANTA MONICA, CA 90404


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
11/055,927	02/11/2005	Steven L. Rosenberg	42641.8001.US01

34055
 PERKINS COIE LLP
 POST OFFICE BOX 1208
 SEATTLE, WA 98111-1208

CONFIRMATION NO. 4826


OC00000021184257

Date Mailed: 11/09/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/22/2006.

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

 PATRICIA A VOLPE
 OP (571) 272-6825

FORMER ATTORNEY/AGENT COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

APR 24 2007

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

JONDLE & ASSOCIATES P.C.
 858 HAPPY CANYON ROAD SUITE 230
 CASTLE ROCK CO 80108

In re Application of :
 William H. Eby :
 Serial No.: 11/055,944 : PETITION DECISION
 Filed: February 11, 2005 :
 Attorney Docket No.: 1421-177 :

This is in response to the petition under 37 CFR § 1.59(b), filed April 9, 2007, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on April 9, 2007, 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.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Applicant may resubmit the petition subsequent to a Notice of Allowability or *ex parte* Quayle action being mailed in the application. No additional petition fee will be required at that time.

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/Program Examiner
 Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 20 2007

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

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of :
William H. Eby :
Serial No.: 11/055,944 : PETITION DECISION
Filed: February 11, 2005 :
Attorney Docket No.: 1421-177 :

This is in response to the renewed petition under 37 CFR § 1.59(b), filed July 12, 2007, to expunge information from the above identified application. This application has now been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on April 9, 2007, 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. Also, as stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. As this application has been allowed, the information is being returned to applicant.

Therefore, applicant's petition is GRANTED.

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

Marianne C. Seidel
Quality Assurance Specialist/Program Examiner
Technology Center 1600



GARDERE WYNNE SEWELL LLP
INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS, TX 75201-4761

COPY MAILED

JUL 23 2007

OFFICE OF PETITIONS

In re Application of :
John R. Carlson et al :
Application No. 11/055,951 :
Filed: February 11, 2005 :
Attorney Docket No. 125448-1016 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 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 July 5, 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 6, 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 2831 for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 4/8/09

DATE : 4/2/09

TO SPE OF : ART UNIT 2622

SUBJECT : Request for Certificate of Correction for Appl. No.: 11055955 Patent No.: 7450167 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

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

LAMONTE NEWSOME

Certificates of Correction Branch

703-308-9390 ext. 112

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments:

Minor correction is recommended for approval since the correction is not affect the scope of the claimed invention.

/Lin Ye/

SPE

AU2622

Art Unit



JAGTIANI + GUTTAG
10363-A DEMOCRACY LANE
FAIRFAX VA 22030

COPY MAILED

MAY 25 2005

OFFICE OF PETITIONS

In re Application of :
Hong et al. :
Application No. 11/055,983 : ON PETITION
Filed: 14 February, 2005 :
Atty Docket No. DOSU-0001-DV1 :

This is a decision on the petition filed on 25 April, 2005, requesting that the above-identified application be accorded a filing date of 14 February, 2005, with Figure 9 described in the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 14 February, 2005.

Accordingly, on 15 March, 2005, Initial Patent Examination Division mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of 14 February, 2005, but that Figure 9 described in the specification appeared to have been omitted.

In response, on 25 April, 2005, the present petition and a copy of, *inter alia*, one (1) sheet of drawings containing Figure 9 described in the specification were filed. Petitioners argue that the sheet of drawings containing Figure 9 was filed with the other application papers on 14 February, 2005, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied with the present petition. The postcard receipt shows an "Office-date" stamp of 14 February, 2005, and identifies the application by the first named inventor's last name,

invention title, and attorney docket number, and acknowledges receipt of, *inter alia*, 13 sheets of drawings. Petitioners requests that the application, including one (1) sheet of drawings containing Figure 9 described in the specification, be accorded a filing date of 14 February, 2005.

A review of the record reveals that no sheet of drawings containing Figure 9 described in the specification has been located among the 12 sheets of drawings deposited with the application papers received on 14 February, 2005. However, the evidence is convincing that the application papers deposited on 14 February, 2005, included 13 sheets of drawings, one of which included Figure 9 described in the specification, which was subsequently misplaced in the Office. Therefore, the application, including one (1) sheet of drawings containing Figure 9 described in the specification, is entitled to a filing date of 14 February, 2005.

The "Notice" mailed on 15 March, 2005, is vacated.

In view of the above, the petition is granted. The \$400.00 in petition fee paid with the present petition is unnecessary and will be refunded to counsel's deposit account, No. 10-0233.

The application will be processed with the copy of one (1) sheet of drawings containing Figure 9 supplied on 25 April, 2005, as a part of the original disclosure. The copy of the other drawing sheets filed with the present petition will not be used for processing or examination, but will be retained in the application file.

The application is being referred to Initial Patent Examination Division for further processing with a filing date of 14 February, 2005, using the application papers filed on that date, and the one (1) sheet of drawings containing Figure 9 supplied with the present petition.

Telephone inquires should be directed to the undersigned at 571-272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



JAGTIANI + GUTTAG
10363-A DEMOCRACY LANE
FAIRFAX VA 22030

RECEIVED

JAN 05 2009

In re Application of
LITOVITZ, Theodore A.
Application No. 11/055,984
Filed: February 14, 2005
Attorney Docket No. CAUN-0011-CP1

OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 17, 2008.

The request is **APPROVED**.

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

The request was signed by Steven B. Kelber. Steven B. Kelber has been withdrawn as attorney or agent of record; all other attorneys remain of record. The correspondence address of record remains unchanged.

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


Tredelle D. Jackson
Paralegal Specialist
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

Vedder Price, PC
875 15th Street, NW
Suite 725
Washington, DC 20005

Mail Date: 04/21/2010

Applicant	: Theodore A. Litovitz	: DECISION ON REQUEST FOR
Patent Number	: 7587230	: RECALCULATION OF PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/055,984	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1230** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Jones Day
222 East 41st Street
New York, NY 10017

COPY MAILED

OCT 21 2005

OFFICE OF PETITIONS

In re Application of :
Gerber et al. :
Application No. 11/056,010 :
Filed: February 11, 2005 :
Attorney Docket No. 8932-1065-999 :
For: Controlled Artificial Intervertebral :
Disc Implant :

Decision According Status
Under 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed July 22, 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 declaration is accepted without the signatures of inventors Angelucci, Paul, and Boyer.

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

The Office of Initial Patent Examination will be informed of the instant decision so that it may continue to prepare the application for examination.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



MARK S. NOWOTARSKI
30 GLEN TERRACE
STAMFORD CT 06906

COPY MAILED

DEC 14 2007

OFFICE OF PETITIONS

In re Application of: :
Wallach :
Application No. 11/056,023 : ON PETITION
Filed: February 11, 2005 :
Att'rny Dck't No.: PEL021204USNP: :

This is a decision on the petition filed April 25, 2007, under 37 CFR 1.59 requesting expungement of a paper inadvertently filed in this application on April 17, 2007. The delay in treatment of this petition is regretted.

The petition is **granted**.

Petitioner asserts that on April 17, 2007 a communication never intended for this file record much less the USPTO, was inadvertently sent to the USPTO by facsimile transmission.

The file entry for the for the document filed by facsimile transmission April 17, 2007 had already been closed when the undersigned took up this petition for decision. As such, the document has long been and will remain unavailable to the public for inspection, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

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

Brian Hearn
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

KIRTON AND MCCONKIE
60 EAST SOUTH TEMPLE,
SUITE 1800
SALT LAKE, CITY UT 84111

COPY MAILED

JUN 2 0 2008

OFFICE OF PETITIONS

In re Application of
Rod A. Smith
Application No. 11/056,026
Filed: February 11, 2005
Attorney Docket No. 12016.6

:
:
:
:
:
:

ON PETITION

This is a decision in response to the petition, filed February 1, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed October 19, 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) was obtained. Accordingly, the application became abandoned on January 20, 2007. A Notice of Abandonment was subsequently mailed on May 9, 2007. On February 1, 2008, the present petition was filed.

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

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$525 extension of time fee submitted with the petition on February 1, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded in the form of a credit to petitioner's credit card.

The application is being referred to Technology Center AU 1753 for appropriate action by the Examiner in the normal course of business on the amendment filed February 1, 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



JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

COPY MAILED

JUN 30 2005

OFFICE OF PETITIONS

In re Application of	:	
Coppes, Gerber, Paul and Lee	:	DECISION ACCORDING STATUS
Application No. 11/056,034	:	UNDER 37 CFR 1.47(a)
Filed: February 11, 2005	:	
Title: Intervertebral Disc Implant	:	

This is in response to the petition under 37 CFR 1.47(a), filed on May 13, 2005.

The petition is granted.

Petitioner has shown that David C. Paul and Andrew Lee, the non-signing inventors, have refused to join in the filing of the above-identified application after having been mailed the application papers. Specifically, the statement of facts of Shahrokh Falati, Ph D. establishes that petitioner mailed the application papers, including the specification, claims and drawings by certified mail, return receipt requested to the last known addresses of the non-signing inventors. Sonah Paul and a recipient for Lee signed the return receipts. Copies of the letters to the non-signing inventors and the return receipts accompany the petition.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the present petition. Notice of the filing of this application will also be published in the Official Gazette. The Office finance records indicate that petitioner authorized the Office to charge the deposit account a \$130.00 fee for the present petition and for any additional fees required. Effective December 8, 2004, the fee for a petition under 37 CFR 1.47(a) increased to \$200.00. Therefore, Deposit Account No. 50-3013 will be charged the difference of \$70.00

The matter is being referred to Technology Center Art Unit 3732 for examination in due course.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

David C. Paul
405 Greene Lane
Phoenixville, PA 19460

COPY MAILED

JUN 3 0 2005

OFFICE OF PETITIONS

In re Application of :
Coppes, Gerber, Paul and Lee : LETTER
Application No. 11/056,034 :
Filed: February 11, 2005 :
Title: Intervertebral Disc Implant :

Dear Mr. Paul:

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

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

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

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017



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

Andrew Lee
2004 Lantern Lane
Oreland, PA 19075

COPY MAILED

JUN 3 0 2005

OFFICE OF PETITIONS

In re Application of :
Coppes, Gerber, Paul and Lee : LETTER
Application No. 11/056,034 :
Filed: February 11, 2005 :
Title: Intervertebral Disc Implant :

Dear Mr. Lee:

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

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

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

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017



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

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

MAILED

APR 27 2010

OFFICE OF PETITIONS

In re Application of :
Kenneth A. Argo et al :
Application No. 11/056,051 : DECISION GRANTING PETITION
Filed: February 11, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. MS1-2266US :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 26, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 31, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

This application is being referred to Technology Center AU 2175 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.



DOWELL & DOWELL, P.C.
2111 Eisenhower Avenue
SUITE 406
Alexandria, Va. 22314

COPY MAILED

AUG 02 2007

OFFICE OF PETITIONS

Applicant: Winstead et al.
Appl. No.: 11/056,063
Filing Date: February 10, 2006
Title: LOW-VOLTAGE CMOS CIRCUITS FOR ANALOG DECODERS
Attorney Docket No.: 15202
Pub. No.: US 2006/0004901 A1
Pub. Date: January 5, 2006

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 3, 2006, for the above-identified application.

The request is granted.

Applicant requests that the application be republished because the patent application publication contains material errors in paragraph [0012], claims 2, 11, 14 and 18.

The errors with respect to the punctuation noted by requestor in this published application are due to the poor quality of the text in the application. The text of the application must be written by either a typewriter or machine printed in dark ink. See 37 CFR 1.52. While the text is legible, the text is not clear, which makes it difficult to electronically reproduce by digital imaging and optical character recognition.

Applicants have been advised to file applications having larger text, which is cleaner and with sufficient clarity and contrast to permit reproduction to avoid errors in the patent application publication process. See 37 CFR 1.52.

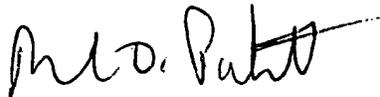
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office's electronic filing system requirements and be accompanied by the 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 Polutta at (571) 272-7709.



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

12-15-05

RECEIVED
CENTRAL FAX CENTER

DEC 15 2005



W. L. GORE & ASSOCIATES, INC.

551 Paper Mill Road • P.O. Box 9206 • Newark, Delaware 19714-9206 • PHONE: 302/738-4880
FACSIMILE: 302/731-9098
FACSIMILE: 302/292-4153

11/056,074

PLEASE DELIVER THE FOLLOWING PAGES TO:

1774 Edwards, N
ADDRESSEE: Commissioner for Patents

FAX NO.: 571-273-8300

SENDER: Allan M. Wheatcraft

PAGES (including cover sheet): 6

If you do not receive all of the pages or this copy is not legible, please call 302/292-4189 as soon as possible.

BEST AVAILABLE COPY

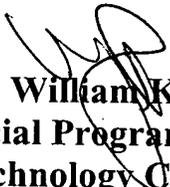
DATE: December 15, 2005

OPERATOR: Sue Hearn

Our Ref: MI/245
SN: 11/056,074
Filed: February 11, 2005

1. Letter of Transmittal (1 page)
2. Petition To Make Special Under 37 CFR § 1.102(c)(2)(ii) (Development or Conservation of Energy Resources) (2 pages)
3. Statement of Robert L. Sassa in Support of Petition To Make Special Under 37 CFR § 1.102(c)(2)(ii) (Development or Conservation of Energy Resources) (2 pages)

PETITION GRANTED


William Krynski
Special Program Examiner
Technology Center 1700

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS SUBJECT TO THE ATTORNEY-CLIENT PRIVILEGE AND IS CONFIDENTIAL AND IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

JAN 18 2006



DAVIS WRIGHT TREMAINE LLP
2600 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE WA 98101-1688

COPY MAILED

SEP 01 2006

OFFICE OF PETITIONS

In re Application of :
Douglas S. Mcrae :
Application No. 11/056,084 : ON PETITION
Filed: February 10, 2005 :
Attorney Docket No. 59125-6 :

This is a decision on the petition filed on April 18, 2006, pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply to the Office action mailed on July 5, 2005, which set a shortened period for reply of one (1) month. No extensions of time under 37 CFR 1.136(a) were obtained. Accordingly, no reply having been received, the application became abandoned on August 6, 2005. A Notice of Abandonment was mailed on January 13, 2006.

With the instant petition, applicant paid the petition fee, submitted the required reply in the form of an Election, and made the proper statement of unintentional delay.

The matter is being forwarded to Group Art Unit 3644 for consideration of the Election, filed April 18, 2006.

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

A handwritten signature in cursive script, appearing to read "Cliff Congo".

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

GOUDREAU GAGE DUBUC
800 PLACE VICTORIA, SUITE 3400
MONTREAL, QUEBEC H4Z 1E9 CA CANADA

COPY MAILED

APR 19 2006

OFFICE OF PETITIONS

In re Application of :
Ford et al. :
Application No. 11/056,088 :
Filed: February 14, 2005 : ON PETITION
Title of Invention: :
BATTERY COMPARTMENT ADAPTER :
CAP AND DEVICE EQUIPPED :
THEREWITH :

This is a decision on the Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.181(a), filed March 6, 2006.

The petition is granted.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed June 8, 2005. The Notice set a shortened statutory reply period of two (2) months, and provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned August 9, 2005. A Notice of Abandonment was mailed February 17, 2006.

Applicant's Assertion

Applicant responds with the instant petition wherein Applicant avers that a timely reply was filed via facsimile on June 28, 2005, using the Certificate of Facsimile Transmission procedures under 37 CFR 1.8. In support of this assertion, Applicant provides a copies of a Response to Notice to File Missing Parts of Nonprovisional Application ("Response") and a Declaration and Power of and a copy of an Auto-Reply Facsimile Transmission indicating receipt of 8 pages from Applicant via facsimile on June 28, 2005.

A review of the Response reveals that it included a Certificate of Facsimile Transmission dated June 28, 2005, and an authorization to charge fees to Applicant's deposit account, executed by Petitioner.

In view of the foregoing, the holding of abandonment is hereby withdrawn.

The copy of the Response and Declaration and Power of Attorney, re-filed with the instant petition on March 6, 2006, will be used for examination purposes.

No petition fee has been charged and none is due.

The application file is being referred to the Office of Initial patent Examination for continued processing in due course.

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



Derek L. Woods

Attorney

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
-----------------	-------------	----------------------	---------------------	------------------

11/056,103

02/14/2005

David Kalix

P69531US1

4254

136

7590

06/14/2006

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER

BELLAMY, TAMIKO D

ART UNIT PAPER NUMBER

2856

DATE MAILED: 06/14/2006

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



061306

MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085

In re Application of: :
Gauthier et al. :
Serial No.: 11/051,116 :
Filed: February 4, 20005 :
Attorney Docket No.: SUNMP124C :

DECISION *SUA SPONTE*
WITHDRAWING HOLDING
OF ABANDONMENT

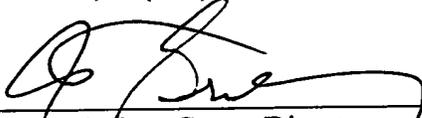
This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

A Non-Final Office action sent out on September 23, 2005. A Response Office action was due within three months of the date of the Non-Final office action and extensions of this time period were governed by 37 C.F.R. § 1.136(a). A Terminal Disclaimer was filed on 10/18/2005 and was not properly indicated that it was a response to the Office Action under 37CFR1.111. The application was held abandoned and a Notice of Abandonment was mailed on April 24, 2006.

Although no petition or request to withdraw the holding of abandonment in this application has been filed, the Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn in view of the fact that the Non-Final Office action includes only a rejection under the judicially created doctrine of obviousness double-patenting and one proper way to respond there to is the filing of a Terminal Disclaimer. The application is not abandoned in fact.

The RCE will be processed and an Office action will be prepared by the examiner in due course.

Any inquiry regarding this decision should be directed to John Barlow, Supervisor Examiner Art Unit 2863 , at (571)-272-2269.


Arthur Grimfley, Group Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

IRW
20



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

FAIRLIE et al.

Group Art Unit: ~~1745~~ 1764

Appln. No. 11/056,129

Examiner: Unknown

Filed: February 14, 2005

Title: Energy Distribution Network

* * * * *

April 27, 2005

PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(c)
AND MPEP § 708.02, VI

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

Sir:

Applicant hereby petitions to make the above-identified application special under the procedures set forth in sub-section VI of MPEP 708.02, as materially contributing to the discovery or development of energy resources.

No petition fee is required.

The invention relates to a hydrogen energy system for one or more buildings. An embodiment of the invention includes a hydrogen generator; at least one zone controller for receiving and transmitting demands for hydrogen associated with at least one zone of the one or more buildings; a unit controller for processing said demands for hydrogen received from the at least one zone controller and controlling the hydrogen generator in accordance therewith. The controller further controls a device for converting hydrogen into electrical or thermal energy.

PETITION GRANTED

Richard Crispino
Special Program Examiner

TC 1700 MAY 10 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MANELLI DENISON & SELTER
2000 M STREET NW SUITE 700
WASHINGTON, DC 20036-3307

COPY MAILED

APR 20 2007

OFFICE OF PETITIONS

In re Patent No. 7,062,360	:	
Issue Date: June 13, 2006	:	
Application No. 11/056,129	:	ON PETITION
Filed: February 14, 2005	:	
Attorney Docket No. 62-383	:	

This is a decision on the petition under 37 CFR 1.183, filed August 21, 2006, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

It is noted that, while the requisite fee is \$130, a fee of \$400 was paid for treatment of this petition. Accordingly, the difference of \$270 is subject to refund. Any request for refund must include a copy of this decision and be mailed to Mail Stop 16, Director of the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450 or faxed to the Customer Service Help Desk at (571) 273-6500.

The petition is **GRANTED**.

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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



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

POWERDSINE LTD.
C/O LANDONIP, INC
1700 DIAGONAL ROAD, SUITE 450
ALEXANDRIA VA 22314-2866

MAIL

SEP 12 2005

**DIRECTOR OFFICE
TECHNOLOGY CENTER 2600**

In re Application of	:	
Poldi RIMBOIM, et al.	:	
Application No. 11/056,137	:	DECISION ON PETITION
Filed: February 14, 2005	:	TO MAKE SPECIAL
For: INTERCHANGEABLE POWER OVER	:	
ETHERNET MODULE	:	

This is a decision on the petition filed August 16, 2005 under 37 CFR §1.102(d) to make the application special and treated as pursuant to MPEP §708.02, section II (Infringement).

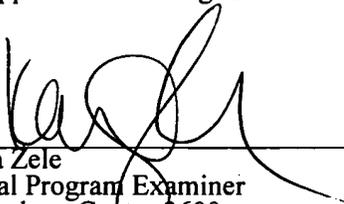
A grantable petition under 37 CFR §1.102(d) and MPEP §708.02, section II (Infringement), must be accompanied by the required fee and a statement alleging:

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

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

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

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



 Krista Zele
 Special Program Examiner
 Technology Center 2600
 Communications



JING JING YU
504-5411 VINE STREET
VANCOUVER BC V6M 3Z7 CA CANADA

COPY MAILED

SEP 29 2008

OFFICE OF PETITIONS

In re Application of :
Jing Jing YU :
Application No. 11/056,148. : DECISION ON PETITION
Filed: February 14, 2005 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 05, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, February 15, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 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 a continuing application under 37 CFR 1.53(b); (2) the petition fee of \$770.00; and (3) a proper statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 12/098,423, filed April 05, 2008.

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

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

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

This application is being referred to Technology Center AU 2875 for processing of the CIP.



Michelle R. Eason
Paralegal Specialist
Office of Petitions

Cc: **WILLIAM W. COCHRAN**
2026 CARIBOU DRIVE
SUITE 201
FORT COLLINS, CO 80525



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

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Mail Date: 04/21/2010

Applicant	: Christopher J. Hansen	: DECISION ON REQUEST FOR
Patent Number	: 7590189	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/056,155	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1195** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

FITCH, EVEN, TABIN & FLANNERY
P. O. BOX 65973
WASHINGTON DC 20035

COPY MAILED

DEC 15 2005

OFFICE OF PETITIONS

In re Application of
Werner Hummel, Birgit Geueke, Steffen
Osswald, Christoph Weckbecker, and Klaus
Hutchmacher
Application No. 11/056,165
Filed: February 14, 2005
Attorney Docket No. 7601/84245
Title: METHOD FOR THE PREPARATION
OF L-AMINO ACIDS FROM D-AMINO
ACIDS

DECISION ON PETITION

This is in response to the petition under 37 C.F.R. §1.47(a)¹, filed November 23, 2005.

On February 14, 2005, the application was filed, identifying Werner Hummel, Birgit Geueke, Steffen Osswald, Christoph Weckbecker, and Klaus Hutchmacher as joint inventors. The application was deposited without an oath or declaration. On April 27, 2005, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed,

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

- (1) the petition fee of \$200;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
- (3) a statement of the last known address of the non-signing inventors;
- (4) either
 - a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
 - b) proof that the non-signing inventor cannot be found or reached after diligent effort;
- (5) a declaration which complies with 37 CFR §1.63.

indicating that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

Along with the instant petition, Petitioner has submitted the petition fee, the surcharge, a five-month extension of time to make timely this response, a statement of facts, a declaration which has been executed by each of the joint inventors save Mr. Hummel, and the last known address for non-signing inventor.

The petition has met requirements (1) – (3) above.

Regarding the fourth requirement above, it does not appear that a complete copy of the application was sent to the last-known residential address of the non-signing inventor. Petitioner has set forth that a complete copy of the application was sent to Mr. Hummel's place of employment.

It is not clear if the non-signing inventor actually received the above-mentioned papers. The correspondence described above is not sufficient to make the necessary showing that the non-signing inventor was ever presented with a copy of the application and a declaration or oath, for they were not mailed to the required location, the last known residence of the non-signing inventor². The Office requires these materials to be sent to the residence of the inventor, as that is most likely the location where he might receive mail.

It follows that since it is not clear if the non-signing inventor ever received the materials, it follows that one cannot refuse to sign a letter which one has not seen.

Thus, on renewed petition, applicant must establish that either the entire application package was sent to the last known residential address, or that the non-signing inventor acknowledged receipt of the package at his business address, or submit a statement of facts from one having firsthand knowledge of the fact that the non-signing inventor prefers to have personal and professional correspondence sent not to his residential address, but rather to his work address. If the latter is the case, and the non-signing inventor prefers to have mail sent to his employer, a new declaration will be required, which lists his employer's address as the mailing address of the non-signing inventor. If neither is possible, a copy of the complete application papers should be sent by certified mail return-receipt requested to the last known *residential* address of the non-signing inventor, or, if the inventor is represented by counsel, to the address of the non-signing inventor's attorney. Documentary evidence, including copies of the transmittal cover letters and return mail receipts, should be made part of the record.

Regarding the fifth requirement, at the present time it cannot be determined if the declaration complies with 37 CFR §1.63, in that it is not clear where the non-signing inventor receives his mail.

For these reasons, the petition under 37 C.F.R. §1.47(a) is **DISMISSED**.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover

² See MPEP 409.03(d) and (e).

letter entitled "Renewed Petition Under 37 C.F.R. §1.47(a)". This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail³, hand-delivery⁴, or facsimile⁵.

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

³ Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

⁴ Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

⁵ (571) 273-8300- please note this is a central facsimile number.



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

FITCH, EVEN, TABIN & FLANNERY
P. O. BOX 65973
WASHINGTON DC 20035

COPY MAILED

FEB 22 2006

OFFICE OF PETITIONS

In re Application of	:	
Werner Hummel, Birgit Geueke, Steffen	:	
Osswald, Christoph Weckbecker, and Klaus	:	
Hutchmacher	:	
Application No. 11/056,165	:	
Filed: February 14, 2005	:	DECISION ON RENEWED PETITION
Attorney Docket No. 7601/84245	:	UNDER 37 C.F.R. §1.47(A)
Title: METHOD FOR THE PREPARATION	:	
OF L-AMINO ACIDS FROM D-AMINO	:	
ACIDS	:	

This is in response to the renewed petition under 37 C.F.R. §1.47(a)¹, filed February 7, 2006.

On February 14, 2005, the application was filed, identifying Werner Hummel, Birgit Geueke, Steffen Osswald, Christoph Weckbecker, and Klaus Hutchmacher as joint inventors. The application was deposited without an oath or declaration. On April 27, 2005, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

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

- (1) the petition fee of \$200;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
- (3) a statement of the last known address of the non-signing inventors;
- (4) either
 - a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
 - b) proof that the non-signing inventor cannot be found or reached after diligent effort;
- (5) a declaration which complies with 37 CFR §1.63.

The original petition was submitted on November 23, 2005, along with the petition fee, the surcharge, a five-month extension of time to make timely this response, a statement of facts, a declaration which has been executed by each of the joint inventors save Mr. Hummel, and the last known address for non-signing inventor. The original petition was dismissed via the mailing of a decision on December 15, 2005, for failing to meet requirements (4) – (5) above.

With this present petition, Petitioner has submitted a statement of facts where the declarant asserts that he spoke with the non-signing inventor, who confirmed receiving the package at his work address. As such, the fourth requirement above has been satisfied.

However, the second page of the decision on the original petition contains the following paragraph:

Regarding the fifth requirement, at the present time it cannot be determined if the declaration complies with 37 CFR §1.63, in that it is not clear where the on-signing inventor receives his mail.

It does not appear that this point is addressed in the renewed petition. Since it does not appear that Petitioner has provided any clarification in regards to this matter, the Office must infer that the proper mailing address for the non-signing inventor is his work address, since the application was sent to that location. As such, it is clear that the declaration cannot be accepted, as it lists the incorrect Post Office address for Mr. Hummel.

It is noted in passing that the address which appears on the declaration differs from the last known address which has been set forth in the petition, and therefore, even if the package had been sent to the last known address of Mr. Hummel, this declaration could not be accepted.

For this reason, the petition under 37 C.F.R. §1.47(a) is **DISMISSED**.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled “Second Renewed Petition Under 37 C.F.R. §1.47(a)”. This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail², hand-delivery³, or facsimile⁴. The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.



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

2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

3 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

4 (571) 273-8300- please note this is a central facsimile number.



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

FITCH, EVEN, TABIN & FLANNERY
P. O. BOX 65973
WASHINGTON DC 20035

COPY MAILED

MAR 30 2006

OFFICE OF PETITIONS

In re Application of :
Werner Hummel, Birgit Geueke, Steffen :
Osswald, Christoph Weckbecker, and Klaus :
Hutchmacher :
Application No. 11/056,165 :
Filed: February 14, 2005 :
Attorney Docket No. 7601/84245 :
Title: METHOD FOR THE PREPARATION :
OF L-AMINO ACIDS FROM D-AMINO :
ACIDS :

DECISION ON SECOND RENEWED
PETITION UNDER 37 C.F.R. §1.47(A)

This is in response to the second renewed petition under 37 C.F.R. §1.47(a)¹, filed March 9, 2006.

On February 14, 2005, the application was filed, identifying Werner Hummel, Birgit Geueke, Steffen Osswald, Christoph Weckbecker, and Klaus Hutchmacher as joint inventors. The application was deposited without an oath or declaration. On April 27, 2005, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed,

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

- (1) the petition fee of \$200;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
- (3) a statement of the last known address of the non-signing inventors;
- (4) either
 - a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
 - b) proof that the non-signing inventor cannot be found or reached after diligent effort;
- (5) a declaration which complies with 37 CFR §1.63.

indicating that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

The original petition was submitted on November 23, 2005, and was dismissed via the mailing of a decision on December 15, 2005. The renewed petition was submitted on February 7, 2006, and was dismissed via the mailing of a decision on February 22, 2006.

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

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

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



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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor,
San Francisco, California 94111-3834

COPY MAILED

SEP 24 2008

OFFICE OF PETITIONS

In re Application of
Yarlagadda et al.
Application No. 11/056,212
Filed: February 10, 2005
Attorney Docket No. 017887-014210US

:
:
:
:
:
:
:

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 7, 2005.

The request is **MOOT**.

A review of the file record indicates that the power of attorney to TOWNSEND and TOWNSEND and CREW LLP has been revoked by the assignee of the patent application on February 2, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the correspondence address of record until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4914.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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

Yahoo! Inc.
c/o Frommer Lawrence & Haug LLP
745 Fifth Avenue
NEW YORK, NY 10151

Mail Date: 04/21/2010

Applicant	: Madhu Yarlagadda	: DECISION ON REQUEST FOR
Patent Number	: 7634072	: RECALCULATION OF PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/056,212	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/10/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1297** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor,
San Francisco, California 94111-3834

COPY MAILED

SEP 24 2008

OFFICE OF PETITIONS

In re Application of
Madhu Yarlagadda
Application No. 11/056,213
Filed: February 10, 2005
Attorney Docket No. 017887-014310US

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 7, 2005.

The request is **MOOT**.

A review of the file record indicates that the power of attorney to TOWNSEND and TOWNSEND and CREW LLP has been revoked by the assignee of the patent application on February 3, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the correspondence address of record until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4914.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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.
11/056,244	02/14/2005	Mikio Sugiura	265869US26	4971

7590 09/15/2008
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

DOVE, TRACY MAE

ART UNIT PAPER NUMBER

1795

NOTIFICATION DATE DELIVERY MODE

09/15/2008

ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nomi Farmer
Patent Publication Branch
Office of Data Management

Refund Ref: 09/15/2008 0030061093

Adjustment date: 09/15/2008 NFARMER
02/16/2005 HLE333 00000029 11056244
02 FC:1111 -500.00 OP

Credit Card Refund Total: \$500.00

Am Exp.: XXXXXXXXXXXX1007



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.
11/056,276	02/14/2005	Paul G. Mayfield	MS310842.2/14917.0506USU1	4545

27488 7590 01/27/2008
MERCHANT & GOULD (MICROSOFT)
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER

MCNALLY, MICHAEL S

ART UNIT PAPER NUMBER

2136

MAIL DATE DELIVERY MODE

01/27/2008

PAPER

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

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



Gregory D. Leibold
Merchant & Gould (Microsoft)
P.O. Box 2903
Minneapolis, MN 55402-0903

MAILED

JAN 28 2008

TECHNOLOGY CENTER 2100

In re Application of:
Paul MAYFIELD et al.
Appl. No.: 11/056,276
Filed: February 14, 2005
For: SYSTEM AND METHODS FOR PROVIDING NETWORK
QUARANTINE USING IPSEC

⋮
⋮
⋮
⋮
⋮
⋮

DECISION ON PETITION
UNDER 37 CFR § 1.59

This is a decision on the petition under 37 CFR § 1.59(b), filed on 15 January 2008, to expunge information submitted pursuant to MPEP § 724.05.

The petition is **DISMISSED**.

Petitioner requests that the information submitted on 15 January 2008 be expunged from the record if found not to be important to a reasonable examiner in deciding whether to allow the application to issue as a patent. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The petition is premature because the application has not been allowed or abandoned. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the petition to expunge must be dismissed at this time.

During prosecution on the merits, the examiner will determine whether or not the information submitted on 15 January 2008 is considered to be "material." Once prosecution on the merits is closed, applicant may re-submit a petition to expunge the information. No further fee is required for such a second submission of a petition under 37 CFR § 1.59 to expunge information. If the information is not considered by the examiner to be material, the information will be expunged from the application and may be returned to applicant.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture, Software, and
Information Security



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.
11/056,276	02/14/2005	Paul G. Mayfield	MS310842.2/14917.0506USU1	4545

27488 7590 02/04/2008
MERCHANT & GOULD (MICROSOFT)
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER

MCNALLY, MICHAEL S

ART UNIT	PAPER NUMBER
----------	--------------

2136

MAIL DATE	DELIVERY MODE
-----------	---------------

02/04/2008

PAPER

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

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



MAILED

JAN 3 1 2008

TECHNOLOGY CENTER 2100

Rene A. Pereyra
Merchant & Gould (Microsoft)
P.O. Box 2903
Minneapolis, MN 55402-0903

In re Application of:
Paul MAYFIELD et al.
Appl. No.: 11/056,276
Filed: February 14, 2005
For: SYSTEM AND METHODS FOR PROVIDING NETWORK
QURANTINE USING IPSEC

DECISION ON PETITION
UNDER 37 CFR § 1.59

This is a decision on the petition under 37 CFR § 1.59(b), filed on 22 January 2008, to expunge information submitted pursuant to MPEP § 724.05.

The petition is **DISMISSED**.

Petitioner requests that the information submitted on 22 January 2008 be expunged from the record if found not to be important to a reasonable examiner in deciding whether to allow the application to issue as a patent. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The petition is premature because the application has not been allowed or abandoned. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the petition to expunge must be dismissed at this time.

During prosecution on the merits, the examiner will determine whether or not the information submitted on 22 January 2008 is considered to be "material." Once prosecution on the merits is closed, applicant may re-submit a petition to expunge the information. No further fee is required for such a second submission of a petition under 37 CFR § 1.59 to expunge information. If the information is not considered by the examiner to be material, the information will be expunged from the application and may be returned to applicant.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture, Software, and
Information Security



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

VISTA PRINT USA, INC.
ATTN: PATENT COUNSEL
95 HAYDEN AVENUE
LEXINGTON, MA 02421

COPY MAILED

JAN 05 2009

OFFICE OF PETITIONS

In re Application of :
James M. Connolly, et. al. :
Application No. 11/056,304 : **DECISION ON PETITION**
Filed: February 11, 2005 :
Attorney Docket No. 05-001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 25, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fee on or before August 27, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed May 27, 2008. Accordingly, the date of abandonment of this application is August 28, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1510 and the publication fee of \$300, (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

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

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


Andrea Smith
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**JOHN F. SALAZAR
MIDDLETON & REUTLINGER
2500 BROWN & WILLIAMSON TOWER
LOUISVILLE KY 40202**

COPY MAILED

JUL 11 2006

In re Application of :
Mackenzie et al. :
Application No. 11/056,309 :
Filed: February 11, 2005 :
Attorney Docket No. ZK524-3162 :

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR §1.102(d), filed June 7, 2006, to make the above-identified application special. The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in M.P.E.P. § 708.02, Section II: Infringement.

The petition is **GRANTED**.

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

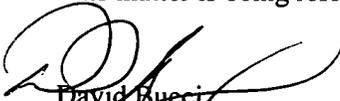
- (A) That there is an infringing device or product actually on the market or method in use;
- (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
- (C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

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

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

This matter is being referred to the Technology Center Art Unit 2612 for expedited prosecution.


David Buccini
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

COPY MAILED

OCT 21 2009

OFFICE OF PETITIONS

**Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin NJ 08830**

In re Application of :
Frank Sauer, et al. :
Application No. 11/056,318 : **DECISION ON PETITION**
Filed: February 11, 2005 :
Attorney Docket No. 2004P02523 US01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 13, 2009, 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 April 7, 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) was obtained. Accordingly, the application became abandoned on July 8, 2009. The Notice of Abandonment was mailed December 23, 2008.

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

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

This application is being referred to Technology Center AU 3737 for appropriate action by the Examiner in the normal course of business on the reply received


Terri Johnson
Petitions Examiner
Office of Petitions

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Sauer (et al)
Serial No.: 11/056,318
Filed: 02.11.05
Title: System and method for patient positioning . . .

Docket No.: 2004P02523US01
Examiner: Ramirez, John Fernando
Group Art Unit: 3737
Date: January 13, 2009

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

**PETITION FOR REVIVAL OF AN APPLICATION ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Sir:

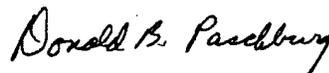
Applicants have received a Notice of Abandonment dated 12.23.2008 in this Application. This petition is filed within one year of the date of the Notice.

The entire delay in filing the required reply from the due date for the reply until the filing of this Petition pursuant to 37 CFR 1.137(b) was due to a US PTO error as Applicant's response was received by the USPTO on June 11, 2008 and can be seen in PAIR.

The proposed response is a copy of the attached Amendment filed on June 11, 2008 and a copy of the Acknowledgement receipt showing that the Amendment reply was electronically filed with the US PTO.

It is believed that no fee is due for this Petition; however, the Commissioner is hereby authorized to charge any requisite fee to Deposit Account No. 19-2179.

Respectfully submitted,



Donald B. Paschburg
Reg. No.: 33,753

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830
Tel.No.: +1 (732) 321 3191

10/21/2009 CKHLOK 00000004 192179 11056318
01 FC:1453 1620.00 DA

Enclosure:



PRESTON GATES & ELLIS LLP
1900 MAIN STREET, SUITE 600
IRVINE, CA 92614-7319

COPY MAILED

AUG 12 2005

OFFICE OF PETITIONS

In re Application of :
Fitzhugh, et al. : DECISION REFUSING STATUS
Application No. 11/056,323 : UNDER 37 CFR 1.47(a)
Filed: February 10, 2005 :
Dkt. No.: PA1749 (51288-00008) :
For: REITERATIVELY LAYERED :
MEDICAL DEVICES AND METHOD OF :
PREPARING SAME :

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

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 lacks item (1) set forth above. Petitioners have failed to establish that the non-signing inventor refused to execute the declaration after having been presented with a complete copy of the application papers (specification, including claims, drawings, and oath or declaration).

The evidence submitted with the instant petition details efforts to procure the signature of the non-signing inventor on the declaration for related U.S. App. No. 10/490,991. There is no indication that this related application has been accorded Rule 47. Thus, petitioners cannot rely upon efforts undertaken to procure the non-signing inventor's signature on the declaration for said application or rely upon the provisions of 37 CFR 1.63(d)(3).

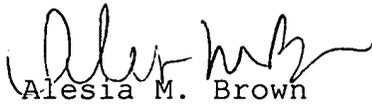
Thus, petitioners must be advised that before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor (or the legal representative of the non-signing inventor). Petitioners have failed to establish that the non-signing inventor received a copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the oath or declaration. Any renewed petition should be accompanied by evidence to establish that the non-signing inventor was sent a complete copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the declaration. Petitioner may wish to provide the Office copies of letters sent to the inventors indicating the enclosure of the application papers (specification, claims, drawings, and oath or declaration). If after the inventor receives the application papers and requests to execute the oath or declaration are refused, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and detailing with specificity the exact manner of the refusals. If a written refusal has been made, a copy of the written refusal should be included on renewed petition.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By hand:	U.S. Patent and Trademark Office Customer Service Window Mail Stop Petition

Randolph Building
401 Dulany Street
Alexandria, VA 22314

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



Alesia M. Brown
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

DEC 04 2006

OFFICE OF PETITIONS

PRESTON GATES, & ELLIS LLP
1900 MAIN STREET, SUITE 600
IRVINE, CA 92614-7319

In re Application of :
Fitzhugh, et al. : DECISION ON PETITION
Application No. 11/056,323 :
Received: February 10, 2005 :
Dkt. No.: PA1749 (51288-00008) :
For: REITERATIVELY LAYERED :
MEDICAL DEVICES AND METHOD OF :
PREPARING SAME :

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

The petition is **GRANTED**.

This application became abandoned for failure to timely submit a proper reply to the Office communication mailed August 12, 2005. The Office communication set a two month shortened statutory period of time for reply. No petition for extension of time in accordance with 37 C.F.R. § 1.136 was timely submitted. Notice of Abandonment was mailed June 23, 2006.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 C.F.R. § 1.137(b). Accordingly, the failure to timely submit a proper reply to the Notice is accepted as having been unintentionally delayed.

There is no indication that practitioner herein was ever empowered to prosecute the instant application. If practitioner desires to receive future correspondence regarding this application, the

appropriate power of attorney documentation must be submitted. A courtesy copy of this decision will be mailed to practitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

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



Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: JEREMY LOWE
LEYDIG, VOIT & MAYER, LTD.
TWO PRUDENTIAL PLAZA SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, ILLINOIS 60601 -6780



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

PRESTON GATES & ELLIS LLP
1900 MAIN STREET, SUITE 600
IRVINE, CA 92614-7319

COPY MAILED

DEC 04 2006

OFFICE OF PETITIONS

In re Application of . :
Fitzhugh, et al. : DECISION GRANTING STATUS
Application No. 11/056,323 : UNDER 37 CFR 1.47(a)
Received: February 10, 2005 :
Dkt. No.: PA1749 (51288-00008) :
For: REITERATIVELY LAYERED :
MEDICAL DEVICES AND METHOD OF :
PREPARING SAME :

This decision is in response to the renewed petition under 37 CFR 1.47(a) filed September 1, 2006.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor cannot be reached or located for presentation and execution of the application papers for the above-identified application, and is thus deemed unavailable.

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.

There is no indication that practitioner herein was ever empowered to prosecute the instant application. If practitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision will be mailed to practitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

This application is being forwarded to the Office of Patent Publication for further processing.

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



Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: JEREMY LOWE
LEYDIG, VOIT & MAYER, LTD.
TWO PRUDENTIAL PLAZA SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, ILLINOIS 60601 -6780



Anthony L. Fitzhugh, M.D.
21 17 Independence St.
Frederick, MD 21702

COPY MAILED
DEC 04 2006
OFFICE OF PETITIONS

In re Application of :
Fitzhugh, et al. : LETTER
Application No. 11/056,323 :
Received: February 10, 2005 :
Dkt. No.: PA1749 (51288-00008) :
For: REITERATIVELY LAYERED :
MEDICAL DEVICES AND METHOD OF :
PREPARING SAME :

Dear Sir:

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

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

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).

Alesia M. Brown
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

OSHA LIANG L.L.P.
1221 MCKINNEY STREET
SUITE 2800
HOUSTON, TX 77010

COPY MAILED

JUN 20 2007

In re Application of :
Masahiro Ishida, et al. :
Application No. 11/056,330 : DECISION GRANTING PETITION
Filed: February 11, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 02008/219001 :

OFFICE OF PETITIONS

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 12, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 22, 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) 272-3204.

This application is being referred to Technology Center AU 2863 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

DEC 22 2005

OFFICE OF PETITIONS

Applicant: Goldfine et al.
Appl. No.: 11/056,334
Filing Date: February 11, 2005
Title: SEGMENTED FIELD SENSORS
Attorney Docket No.: 1884.2034-001
Pub. No.: US 2005/0248339 A1
Pub. Date: November 10, 2005

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), filed on December 1, 2005, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

The copy of the application, which were improperly labeled as specification, claims, drawings and abstract in this application have been relabeled as an IDS reference. It would greatly benefit the Office if applicant clearly marked application papers that are submitted as part of an IDS with labeling, such as IDS to help prevent mislabeling and scanning.

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

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



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

COPY MAILED

JUL 20 2009

OFFICE OF PETITIONS

In re Application of :
Chien-Min Sung :
Application No. 11/056,339 :
Filed: February 10, 2005 :
Attorney Docket No. 00802-21154.CIP3 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 11, 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 March 11, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on June 12, 2008.

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

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

This matter is being referred to Technology Center AU 2814 for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Chien-Min Sung
4, Lane 32, Chung-Cheng Road
Tansui, Taipei County 251
Taiwan, ROC



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

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

Applicant: Doebbeling et al.
Appl. No.: 11/056,367
Filing Date: February 14, 2005
Title: ROTOR
Attorney Docket No.: 033275-443
Pub. No.: US 2005/0180847 A1
Pub. Date: August 18, 2005

COPY MAILED
JUL 25 2006
OFFICE OF PETITIONS

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), filed on October 17, 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 dependent claim 3 fails to list a proper claim dependency.

37 CFR 1.221 (b) is applicable “only when the Office makes a material mistake which is apparent from Office records.” A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The request is dismissed, as it is unclear if an attorney signed the paper in compliance with 37 CFR 1.31-1.34 and 37 CFR 10.10. The signature appears to be someone signing for Richard Kim (48,360) according to the registration number provided, however the name appears to be someone else, for Patrick Keane (32,858). Applicant is reminded that only registered practitioners may practice before the USPTO.

Applicant is given 30 days or 1 month, to provide a duplicate paper with a proper signature or a ratification of the signature.

The applicant is advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221 (a). Such a request for republication “must include a copy of the application compliance with the Office’s electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in §

¹Changes 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).

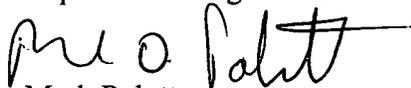
1.17 (i).” If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

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

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

By facsimile: 571-273-8300

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



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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

Applicant: Doebbeling et al.
Appl. No.: 11/056,367
Filing Date: February 14, 2005
Title: ROTOR
Attorney Docket No.: 033275-443
Pub. No.: US 2005/0180847 A1
Pub. Date: August 18, 2005

COPY MAILED

AUG 22 2006

OFFICE OF PETITIONS

This is a decision on the resubmission of a request for corrected of patent application publication under 37 CFR 1.221(b), received on July 27, 2006, for the above-identified application

The request is granted.

Applicant requests that the application be republished because the patent application publication contains a material error as dependent claim 3 fails to list a proper claim dependency.

The corrected patent application publication will be published in due course.

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.

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

DAIMLERCHRYSLER INTELLECTUAL CAPITAL CORPORATION
CIMS 483-02-19
800 CHRYSLER DR EAST
AUBURN HILLS MI 48326-2757

COPY MAILED

MAR 24 2008

OFFICE OF PETITIONS

In re Application of	:	
Glenn F. Syrowick et al.	:	
Application No. 11/056,374	:	
In re Patent No. 7,144,079	:	
Filing Date: February 10, 2005	:	DECISION ON PETITION
Issue Date: December 5, 2006	:	UNDER 37 C.F.R. § 3.81(B).
Attorney Docket Number:	:	
7069480US1	:	
Title: TAILGATE SEAT ASSEMBLY	:	

This is a decision on the petition filed August 8, 2007, pursuant to 37 C.F.R. § 3.81(b)¹, to correct the Assignee's information on the Issue Fee Transmittal Form PTOL-85(b).

The petition is **GRANTED**.

With the present petition, Petitioner requests that a Certificate of Correction be issued to correct the assignee information that appears on the face of the patent. Petitioner submits a "Certificate of Correction" for this purpose, which indicates that Intier Automotive Inc., of Newmarket, Ontario (Canada) should be added as an assignee.

37 C.F.R. §3.81(b), effective June 25, 2004, reads:

(b) After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date

¹ See Official Gazette, June 22, 2004.

of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in 3.11 before issuance of the patent, and must include a request for a certificate of correction under 1.323 of this chapter (accompanied by the fee set forth in 1.20(a)) and the processing fee set forth in 1.17(i) of this chapter.

Petitioner has failed to state that the assignment was submitted for recordation as set forth in 37 C.F.R. § 3.11 before issuance of the patent. However, Office records show that the assignment for the above-identified application was received in the Office on September 25, 2006, which was prior to the issuance of this patent on December 5, 2006. As such, this requirement of 37 C.F.R. § 3.81(b) is waived, *sua sponte*.

Payment of the required \$130 processing fee and the required \$100 certificate of correction fee is acknowledged.

The Certificates of Correction Branch will be notified of this decision so that the requested Certificate of Correction can be issued.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

/Paul Shanoski/
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
www.uspto.gov

BRIAN M. HOFFMAN
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

COPY MAILED
AUG 29 2006
OFFICE OF PETITIONS

In re Application of :
Mark Gaponoff :
Application No. 11/056,379 :
Filed: February 10, 2005 :
Attorney Docket No. 61133-09848 :
DECISION ON REQUEST
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §1.36(b), filed April 4, 2006.

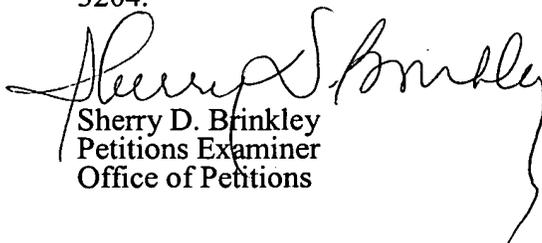
The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Brian M. Hoffman and all the other attorneys/agents of record was revoked by the assignee of the patent application on July 26, 2006. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

There is no outstanding Office action that requires a reply from applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3204.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE WI 53202



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

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

Mail Date: 04/20/2010

Applicant : Rahul Aggarwal : DECISION ON REQUEST FOR
Patent Number : 7602702 : RECALCULATION of PATENT
Issue Date : 10/13/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/056,383 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/10/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **623** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/056,391	02/14/2005	Hua Zhang	083847-0264	8620
22428	7590	07/15/2008	EXAMINER	
FOLEY AND LARDNER LLP			RUGGLES, JOHN S	
SUITE 500			ART UNIT	PAPER NUMBER
3000 K STREET NW			1795	
WASHINGTON, DC 20007			MAIL DATE	DELIVERY MODE
			07/15/2008	PAPER

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

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



Mailed: 7-15-08

Re application of: Zhang et al.

Serial No.: 11/056,391

Filed: February 14, 2005

For: DIRECT-WRITE NANOLITHOGRAPHY METHOD
OF TRANSPORTING INK WITH AN
ELASTOMERIC POLYMER COATED NANOSCOPIC
TIP TO FORM A STRUCTURE HAVING INTERNAL
HOLLOWS ON A SUBSTRATE

DECISION ON
PETITION

This is a decision on the PETITION TO ACCEPT COLOR DRAWINGS (37 C.F.R. 1.84(a)(2)), filed April 2, 2008. The petition includes (1) the fee as required by 37 CFR 1.17(h), (2) three sets of the color photographs, (3) an amendment to the specification which includes the language set forth in 37 CFR 1.84(a)(2)(iii), and (4) an explanation stating why color photographs are necessary.

A review of the application record indicates that all of the requirements for acceptance of color photographs have been met.

The Petition is **GRANTED**.

/Mark F. Huff/

Mark F. Huff
Supervisory Patent Examiner
Group Art Unit 1795



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.
11/056,391	02/14/2005	Hua Zhang	083847-0264	8620

22428 7590 12/12/2008
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

RUGGLES, JOHN S

ART UNIT PAPER NUMBER

1795

MAIL DATE DELIVERY MODE

12/12/2008

PAPER

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

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



Mailed: 12/12/08

Re application of: Zhang et al.

Serial No.: 11/056,391

Filed: February 14, 2005

For: DIRECT-WRITE NANOLITHOGRAPHY METHOD
OF TRANSPORTING INK WITH AN
ELASTOMERIC POLYMER COATED NANOSCOPIC
TIP TO FORM A STRUCTURE HAVING INTERNAL
HOLLOWS ON A SUBSTRATE

DECISION ON
PETITION

This is a decision on the PETITION TO ACCEPT COLOR DRAWINGS (37 C.F.R. 1.84(a)(2)), filed September 23, 2008. The petition includes (1) the fee as required by 37 CFR 1.17(h), (2) three sets of the color photographs, (3) an amendment to the specification which includes the language set forth in 37 CFR 1.84(a)(2)(iii), and (4) an explanation stating why color photographs are necessary.

A review of the application record indicates that all of the requirements for acceptance of color photographs have been met.

The Petition is **GRANTED**.

/Mark F. Huff/

Mark F. Huff
Supervisory Patent Examiner
Group Art Unit 1795



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

BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET NW, SUITE 300
WASHINGTON, DC 20001-5303

MAILED

MAY 24 2010

OFFICE OF PETITIONS

In re Application of :
Ayala BARAK :
Application No. 11/056,405 : DECISION GRANTING PETITION
Filed: February 14, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **BARAK=6** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 21, 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 May 4, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

This application is being referred to Technology Center AU 1611 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

LADAS & PARRY
5670 WILSHIRE BOULEVARD, SUITE 2100
LOS ANGELES, CA 90036-5679

COPY MAILED

JUL 21 2006

OFFICE OF PETITIONS

In re Application of :
Alivisatos, et. al. : **DECISION ON REQUEST**
Application No. 11/056,430 : **TO WITHDRAW FROM**
Filed: February 11, 2005 : **RECORD**
Attorney Docket No. 014939-004210US :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b) or 37 CFR § 10.40, filed on August 5, 2005.

The request to withdraw as attorney or agent is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to all the previous attorneys/agents of record have been revoked by the assignee of the patent application, on August 2, 2005. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

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


Andrea Smith
Petitions Examiner
Office of Petitions

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



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

COPY MAILED

JUN 18 2007

OFFICE OF PETITIONS

In re Application of	:	
ALIVISATOS, A. Paul et al.	:	
Application No. 11/056,430	:	DECISION ON REQUEST FOR
Filed: February 11, 2005	:	REVOCAION OF POWER
Attorney Docket No. 014939-004210US	:	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 August 28, 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.

A review of the file record indicates that the attorneys associated with customer number 20350 were previously appointed by assignee in a power of attorney filed August 02, 2005. Accordingly, the request to revoke attorney under 37 CFR 1.36(a) is moot.

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



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

VARIAN SEMICONDUCTOR EQUIPMENT
ASSOCIATES, INC.
35 DORY ROAD
GLOUCESTER MA 01930

COPY MAILED
MAR 29 2007
OFFICE OF PETITIONS

In re Application of :
Anthony Renau et al :
Application No. 11/056,445 : DECISION GRANTING PETITION
Filed: February 11, 2005 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 2003-46 :

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

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an RCE and an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Final Rejection of April 3, 2006, is accepted as having been unintentionally delayed.

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

This matter is being referred to Technology Center AU 2881.

Karen Creasy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

COPY MAILED

JAN 08 2008

OFFICE OF PETITIONS

In re Application of :
Gregg Bernard Lesartre et al. :
Application No. 11/056,471 : DECISION ON PETITION
Filed: February 11, 2005 : UNDER 37 C.F.R. § 1.181(A)
Attorney Docket No. 200313833-2 :
Title: PASSING IDENTIFICATION :
INFORMATION :

This is a decision on the petition filed November 23, 2007, pursuant to 37 C.F.R. § 1.181(a), to revive the above-identified application.

The petition under 37 C.F.R. § 1.181 is DISMISSED.

BACKGROUND

A non-final Office action was mailed on July 31, 2006. An amendment was received on October 20, 2006. The above-identified application became abandoned for failure to reply in a timely manner to the notice of non-compliant amendment that was mailed on November 3, 2006, which set an extendable period for response of one month. No further responses were received. Accordingly, the above-identified application became abandoned on December 4, 2006. A notice of abandonment was mailed on October 26, 2007.

With the present petition, Petitioner has asserted that the notice of non-compliant amendment was not received.

RELEVANT PORTIONS OF THE MPEP AND C.F.R.

MPEP §711.03(c)(I)(A) sets forth, in toto:

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions). Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

37 C.F.R. § 1.134 sets forth, in toto:

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.

37 C.F.R. § 1.135 sets forth, in toto:

(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.

ANALYSIS

With the present petition, Petitioner has submitted a declaration of facts from a paralegal who is employed by the Assignee, where it is asserted that the notice in question was not received. Petitioner has further provided a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed.

It does not appear that the declarant has searched for the missing communication. The declarant has set forth that all mail that is received is scanned into a Portable Document Format (PDF) file. Petitioner has set forth that Assignee maintains an electronic file wrapper. The declarant has set forth that the relevant communication does not appear in the docket record, however it does not appear that he has searched the Assignee's electronic file wrapper for this communication.

Moreover, the "document log showing a list of all documents in the electronic file wrapper kept by the Assignee in connection with this application" (included with the petition and labeled as "Exhibit 5") has been reviewed by the undersigned, and it is noted that the following entry appears:

Returned Postcard	2006-Nov-3	resp..
mvs00	2006-Nov-3	

The meanings of the notations "mvs00" and "resp.." are not understood by the undersigned, however it is noted that these two entries bear the same date as the mailing date of the communication that Petitioner has asserted was not received. As such, prior to filing the renewed petition, an employee of the Assignee should view the document in the Assignee's electronic file wrapper, and confirm that the relevant communication was

not received and mis-coded. A statement from this individual should be provided as well.

CONCLUSION

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

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail¹, hand-delivery², or facsimile³. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web⁴.

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

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

2 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

3 (571) 273-8300- please note this is a central facsimile number.

4 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225⁵. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
Senior Attorney
Office of Petitions

cc: Robert E. Cannuscio
Drinker Biddle & Reath LLP
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996

⁵ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



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.

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

COPY MAILED

MAR 03 2008

OFFICE OF PETITIONS

In re Application of :
Gregg Bernard Lesartre et al. :
Application No. 11/056,471 : DECISION ON RENEWED PETITION,
Filed: February 11, 2005 : PURSUANT TO
Attorney Docket No. 200313833-2 : 37 C.F.R. § 1.181(A)
Title: PASSING IDENTIFICATION :
INFORMATION :

This is a decision on the renewed petition filed February 4, 2008, pursuant to 37 C.F.R. § 1.181(a), to revive the above-identified application.

This renewed petition pursuant to 37 C.F.R. § 1.181 is **GRANTED**.

A non-final Office action was mailed on July 31, 2006. An amendment was received on October 20, 2006. The above-identified application became abandoned for failure to reply in a timely manner to the notice of non-compliant amendment that was mailed on November 3, 2006, which set an extendable period for response of one month. No further responses were received. Accordingly, the above-identified application became abandoned on December 4, 2006. A notice of abandonment was mailed on October 26, 2007.

An original petition was filed on November 23, 2007, and was dismissed via the mailing of a decision on January 8, 2008. With this renewed petition, Petitioner has included a statement from an employee of the Assignee who has searched the Assignee's electronic file wrapper, confirmed that the relevant communication was not received and mis-coded, and explained the meanings of the entries that appear therein and are dated "2006-Nov-3."

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

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

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

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225¹. All other inquiries concerning the status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: Robert E. Cannuscio
Drinker Biddle & Reath LLP
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996

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



Fish & Richardson P.C.
P.O. Box 1022
Minneapolis, MN 55440-1022

COPY MAILED

JUL 17 2007

In re Application of

Jack D. Godfrey, Jr.

Application No. 11/056,482

Filed: September 11, 2005

Attorney Docket No. 15983-005001

OFFICE OF PETITIONS

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. § 1.136(b), filed December 12, 2006.

The request is **APPROVED**.

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

The request was signed by Michael E. Cox on behalf of all attorneys of record.

All attorneys/agents have been withdrawn.

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

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

There is no outstanding Office action at this time.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: Jack D. Godfrey, Jr.
Jack D. Godfrey Holdings, Inc.
406 West Division Street
Arlington, TX 76011


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
11/056,482	02/11/2005	Jack Godfrey JR.	15983-005001

CONFIRMATION NO. 3863

26231
 FISH & RICHARDSON P.C.
 P.O. BOX 1022
 MINNEAPOLIS, MN 55440-1022



OC000000024853068

Date Mailed: 07/17/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

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

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

Jeri Williams

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

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

TOWNSEND, TOWNSEND & CREW, LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834

COPY MAILED

JUL 20 2006

In re Application of	:	OFFICE OF PETITIONS
Madhu Yarlagadda, et al.	:	
Application No. 11/056,485	:	DECISION ON PETITION
Filed: February 10, 2005	:	TO WITHDRAW
Attorney Docket No. 017887-014110US	:	FROM RECORD
	:	

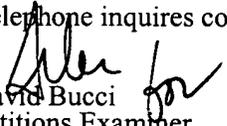
This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed August 22, 2005.

The request is **APPROVED**.

A review of the file record indicates that the attorneys associated with customer number 20350: (1) do not have power of attorney in this patent application; and (2) have been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, attorneys associated with customer number 20350 has/have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

The request to change the correspondence address of record has been accepted. All future communications from the Office will be directed to the first copied address below until otherwise properly notified by the applicant.

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


David Bucci
Petitions Examiner
Office of Petitions

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



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

MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

Mail Date: 04/21/2010

Applicant	: Michael Handfield	: DECISION ON REQUEST FOR
Patent Number	: 7630790	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/056,521	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

FEB - 1 2006

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

THE WALT DISNEY COMPANY
C/O GREENBERG TRAURIG LLP
2450 COLORADO AVENUE SUITE 400E
SANTA MONICA, CA 90404

In re application of : **DECISION ON PETITION**
Kenneth W. Schweizer et al. : **TO MAKE SPECIAL**
Application No. 11/056,528 : **(ACCELERATED**
Filed: February 11, 2005 : **EXAMINATION)**
For: AUTOMATED ATTRACTION AND RIDE :
MAINTENANCE VERIFICATION SYSTEM :

This is in response to the petition filed on July 20, 2005 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 been met, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt *bona fide* effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special GRANTED.



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

KJD/dew: 01/17/06


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
11/056,531	02/10/2005	3713	500	ENVS-1-1002	3	15	3

CONFIRMATION NO. 6630

25315
 BLACK LOWE & GRAHAM, PLLC
 701 FIFTH AVENUE
 SUITE 4800
 SEATTLE, WA 98104

CORRECTED FILING RECEIPT


OC000000015768918

Date Mailed: 04/18/2005

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)

David Vincent Pennington, Kenmore, WA;
 Edward Bermudez Ovalles, Seattle, WA;
 Robin Lee Thompson, Seattle, WA;

Assignment For Published Patent Application

Envision Telephony, Inc.

Power of Attorney: The patent practitioners associated with Customer Number **25315**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 03/14/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/056,531**

Projected Publication Date: 08/10/2006

Non-Publication Request: No

Early Publication Request: No

BEST AVAILABLE COPY**** SMALL ENTITY ******Title**

System and method for training distribution management

Preliminary Class

434

**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

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

**FINNEGAN, HENDERSON, FARABOW, GARRETT
& DUNNER, LLP**
901 New York Avenue, NW
Washington, DC 20001-4413

COPY MAILED

AUG 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Jay Wei	:	
Application No. 11/056,537	:	DECISION ON PETITION
Filed: February 10, 2005	:	TO WITHDRAW
Attorney Docket No. 43625.3	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 1, 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 C. Larry O'Rourke on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Notice of Allowance and Fee(s) Due mailed June 3, 2009 that requires a reply from the applicant.

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



Terri Williams
Petitions Examiner
Office of Petitions

cc: **Jay Wei**
397 Indian Hill Place
Freemont, CA 94539

cc: **HAYNES AND BOONE, LLP**
IP Section
2323 Victory Avenue, Suite 700
Dallas, TX 75219



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
11/056,537	02/10/2005	Jay Wei	43625.3

22852
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

CONFIRMATION NO. 6636
POWER OF ATTORNEY NOTICE



Date Mailed: 08/14/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/01/2009.

- 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



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

COPY MAILED

SEP 09 2005

OFFICE OF PETITIONS

In re Application of
Ross Popescu and Shan Jiang
Application No. 11/056,544
Filed: February 11, 2005
Attorney Docket No. ICONP011
Title of Invention: Multidirectional Cutting
Chuck

:
: **DECISION GRANTING STATUS**
: **UNDER 37 CFR 1.47(a)**
:
:
:
:
:

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

The petition is GRANTED.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. The declaration of Takashi Ahn attest a copy of the application was presented to the non-signing inventor. Ahn Takashi Ahn states that inventor Jiang refused to execute the application papers.

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

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

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

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


Charlema R. Grant
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

NAOMI OBINATA
10427 AVENIDA LANE
CUPERTINO CA 95014

COPY MAILED

FEB 12 2007

OFFICE OF PETITIONS

In re Application of :
Ricky Li Fo Sjoe :
Application No. 11/056,546 : DECISION GRANTING PETITION
Filed: February 11, 2005 : UNDER 37 CFR 1.137(b)
Attorney Docket No. MN001U :

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

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice To File Missing Parts Of Nonprovisional Application of March 15, 2005, is accepted as having been unintentionally delayed.

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

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

Karen Creasy
Petitions Examiner
Office of Petitions



COPY MAILED

OCT 02 2009

OFFICE OF PETITIONS

**ARNOLD & PORTER LLP
ATTN: IP DOCKETING DEPT.
555 TWELFTH STREET, N.W.
WASHINGTON DC 20004-1206**

In re Application of :
Jacobus G. J. HOOGSTRATEN et al :
Application No. 11/056,548 : DECISION ON PETITION
Filed: February 11, 2005 :
Attorney Docket No. 20612.048/P30629US01 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 15, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of the prior-filed nonprovisional application set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

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

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

The petition fails to satisfy item and (3) above.

Petitioner's statement that if the priority awarded by the USPTO and set forth in Exhibits 1 and 2 is not the current priority and has been revoked without notice to Applicants, Applicants assert that the entire delay between the dated for making a priority claim under 37 CFR 1.78(a)(2)(ii) and the date such priority claim was made

was unintentional, does not reflect the required language. Petitioner cannot put a condition on the required unintentional statement.

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 Michelle R. Eason at (571) 272-4231.



Thurman K. Page
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

ARNOLD & PORTER LLP
ATTN: IP DOCKETING DEPT.
555 TWELFTH STREET, N.W.
WASHINGTON, DC 20004-1206

Mail Date: 04/20/2010

Applicant : Jacobus Gerardus Hoogstraten : DECISION ON REQUEST FOR
Patent Number : 7615689 : RECALCULATION of PATENT
Issue Date : 11/10/2009 : TERM ADJUSTMENT IN VIEW
Appliction No : 11/056,548 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/11/2005 : ISSUE CERTIFICATE OF CORRECTION
:

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

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

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Engelhard Corporation
101 Wood Avenue
P.O. Box 770
Iselin NJ 08830

COPY MAILED

SEP 07 2007

OFFICE OF PETITIONS

In re Application of :
Daniel S. Fuller et al :
Application No. 11/056,560 : DECISION ON PETITION
Filed: February 12, 2005 :
Attorney Docket No. 4767B :

This is a decision on the petition under 37 CFR 1.137(b), filed March 23, 2007, to revive the above-identified application.

The petition is **GRANTED**.

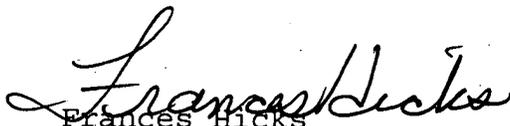
The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 13, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on December 14, 2006. A Notice of Abandonment was mailed on March 20, 2007.

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, (2) the petition fee of \$1,500, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the non-final Office action of September 13, 2006 is accepted as being unintentionally delayed.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

This application is being referred to Technology Center AU 1755 for appropriate action in the normal course of business on the reply received March 23, 2007.

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



Frances Hicks
Petitions Examiner
Office of Petitions

cc:

Melanie Brown
BASF Catalysts LLC
100 Campus Drive
Florham Park, NJ 07932



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.

DLA PIPER US LLP
2000 UNIVERSITY AVENUE
E. PALO ALTO CA 94303-2248

COPY MAILED

SEP 20 2007

OFFICE OF PETITIONS

In re Application of :
Bajwa et al. : DECISION ON PETITION
Application No. 11/056,561 :
Filed: February 10, 2005 :
Atty Docket No. 355317-991101 :

This is a decision on the PETITION TO WITHDRAW ABANDONMENT
PURSUANT TO 37 C.F.R. §1.181 filed May 8, 2007.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed June 29, 2006. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply considered timely filed and no extension of time considered obtained, the application became abandoned effective September 30, 2006. A courtesy Notice of Abandonment was mailed on May 2, 2007.

Applicants contend that the response including 1) a response to the Office action with a signed facsimile transmission certificate showing the November 27, 2006 facsimile date; 2) a transmittal form that also has a signed facsimile transmission certificate showing the November 27, 2006 transmission date; and 3) a 2-month Petition for Extension of Time is entitled to the date of facsimile transmission as the date of receipt. In support thereof, applicants submit a copy of the response as filed, a copy of their facsimile confirmation sheet confirming successful transmission, and a copy of the USPTO auto-reply acknowledging receipt of a facsimile transmission sent to the Office's Centralized Facsimile number.

The petition does not include a statement from the person who sent the response by facsimile transmission.

Nonetheless, petitioner's evidence and arguments have been considered and it is concluded that the requirements of 37 CFR § 1.8(b) have been met. Petitioner has shown to the satisfaction of the Director that the response should be considered timely filed by facsimile transmission on November 27, 2006.

The extension of time for response within the second month required to make the response timely was previously charged to the Deposit Account.

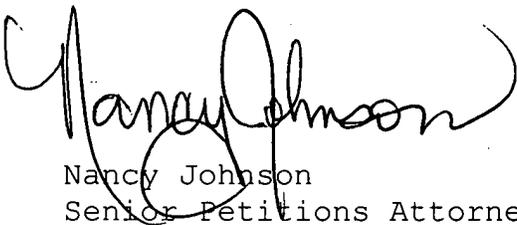
In view thereof, the Notice of Abandonment mailed May 2, 2007 is hereby **vacated**, and the holding of abandonment is **withdrawn**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center AU 2612 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for consideration by the examiner of the response previously filed on November 27, 2006 and resubmitted on petition filed May 8, 2007.

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



Nancy Johnson
Senior Petitions Attorney
Office of Petitions



Kilyk & Bowersox, P.L.L.C.
3925 Chain Bridge Road
Suite D401
Fairfax, VA 22030

COPY MAILED

JUL 14 2008

OFFICE OF PETITIONS

In re Application of
Christopher Howarth
Application No. 11/056,569
Filed: February 11, 2005
Attorney Docket No. 5196-001

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 June 18, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Leonard D. Bowersox on behalf of all attorneys/agents 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 mailed to the inventor.

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


Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Christopher Howarth
3-5 Rathbone Place
London, United Kingdom W1T 1HJ



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
11/056,569	02/11/2005	Christopher Howarth	5196-001

35411
KILYK & BOWERSOX, P.L.L.C.
3925 CHAIN BRIDGE ROAD
SUITE D401
FAIRFAX, VA 22030

CONFIRMATION NO. 4962
POWER OF ATTORNEY NOTICE



Date Mailed: 07/14/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/18/2008.

- 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

Receipt date: 01/14/2009

Knobbe Martens Olson & Bear LLP

Intellectual Property Law

11056571 - GAU: 2873
550 West C Street
Suite 1200
San Diego CA 92101
Tel 619-235-8550
Fax 619-235-0176
www.kmob.com

Eric M. Nelson

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

OK TO ENTER: /EAL/

11/20/2009

Re: Title: METHOD AND DEVICE FOR MODULATING LIGHT
Letters Patent No. 7,379,227
Issued: May 27, 2008
Our Reference: IRDM.031CPDC

Dear Sir:

Enclosed for filing is a Certificate of Correction in connection with the above-identified patent.

As the errors cited in the Certificate of Correction were incurred through the fault of both the Applicant and the Patent Office, the required fee of \$100 is enclosed. Please charge any additional fees to Deposit Account No. 11-1410.

Respectfully submitted,

Knobbe, Martens, Olson & Bear, LLP



Eric M. Nelson
Registration No. 43,829
Customer No. 20,995

Date: 1/14/2009

Enclosures

6077256/slm
101308

Orange County
949-760-0404

San Francisco
415-954-4114

Los Angeles
310-551-3450

Riverside
951-781-9231

Seattle
206-405-2000

Washington, DC
202-640-6400

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 7,379,227
APPLICATION NO. : 11/056,571
ISSUE DATE : May 27, 2008
INVENTOR(S) : Miles

Page 1 of 2

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

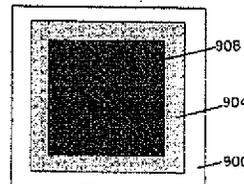
First Page, Col. 2 (Abstract), line 1, Before "Light" delete "".

First Page, Col. 2 (Abstract), line 18, After "layer." delete "".

Page 3, Col. 1 (U.S. Patent Documents), line 15, Delete "Goosen" and insert - - Goossen - -, therefor.

Page 3, Col. 1 (U.S. Patent Documents), line 26, Delete "Goosen" and insert - - Goossen - -, therefor.

Page 4, Col. 1 (Other Publications), line 14, Delete "Quantum" and insert - - Quantum - -, therefor.



Sheet 24 of 26, (Below FIG. 27C), Below "FIG. 27C" insert - - **FIG. 27D** - -.

Col. 4, line 2, Delete "voltage-to" and insert - - voltage to - -, therefor.

Col. 4, line 4, After "pixels" delete "," and insert - - . - -, therefor.

Col. 6, line 32-40, After "134." delete "Referring to FIG. 8,in FIG. 8)." and insert the same on Line 33 as a new paragraph.

Col. 7, line 30, Delete "0,05625" and insert - - 0.05625 - -, therefor.

Col. 7, line 48, Delete "tri-dipble" and insert - - tri-dipole - -, therefor.

Col. 8, line 13 (Approx.), Delete " $\hat{x}E_x e$ " and insert - - $\hat{x}E_x e$ - -, therefor.

Col. 8, line 24 (Approx.), Delete " μ_0 " and insert - - μ_0 - -, therefor.

Col. 9, line 3, Delete " Z_L " and insert - - z_L - -, therefor.

Col. 10, line 17 (Approx.), Delete " $\hat{z}Id\delta(\vec{r}')$ " and insert - - $\hat{z}Id\delta(\vec{r}')$ - -, therefor.

Col. 11, line 6, Delete "an a" and insert - - a - -, therefor.

Col. 11, line 54 (Approx.), Delete " $\underline{V}+e^{jkz}$ " and insert - - $\underline{V}+e^{-jkz}$ - -, therefor.

Col. 11, line 63, Delete "322," and insert - - 322. - -, therefor.

Col. 12, line 1, After "output" delete ",".

Col. 14, line 5, Delete "cheme" and insert - - scheme - -, therefor.

Col. 14, line 21, Delete "lamba" and insert - - lambda - -, therefor.

Col. 14, line 23, Delete "lamba" and insert - - lambda - -, therefor.

Col. 14, line 29, Delete "lamba" and insert - - lambda - -, therefor.

Col. 15, line 41, Delete "the" and insert - - The - -, therefor.

Col. 17, line 17, After "rest" delete ",".

MAILING ADDRESS OF SENDER:

Eric M. Nelson
 KNOBBE, MARTENS, OLSON & BEAR, LLP
 2040 Main Street, 14th Floor
 Irvine, California 92614

DOCKET NO. IRDM.031CPDC

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,379,227
APPLICATION NO. : 11/056,571
ISSUE DATE : May 27, 2008
INVENTOR(S) : Miles

Page 2 of 2

Col. 18, line 15, Delete "material-be" and insert - - material be - -, therefor.
Col. 18, line 47 (Approx.), Delete "photbresist" and insert - - photoresist - -, therefor.
Col. 19, line 60, Delete "SiO2" and insert - - SiO₂ - -, therefor.

6077204
101308

MAILING ADDRESS OF SENDER:

Eric M. Nelson
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, 14th Floor
Irvine, California 92614

DOCKET NO. IRDM.031CPDC

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No. _____

DATE

1-27-09

TO SPE OF

ART UNIT 2873

SUBJECT

Request for Certificate of Correction for Appl. No. 7375007

Patent No. 7375007

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 COCN 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 searching using document code CCOX.

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 - 8A22
Palm Location 7500

Core W. L.
Certificates of Correction Branch
703-208-8398 ext. 117

Thank You For Your Assistance

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

Mark your selection in the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments:

Corrections are typographical and do not affect the scope of the individual inventions.

/Ricky L. Mack/

2873
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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

BROUSE MCDOWELL LPA
388 SOUTH MAIN STREET, SUITE 500
AKRON, OH 44311

COPY MAILED

SEP 29 2008

OFFICE OF PETITIONS

DECISION ON PETITION TO
WITHDRAW FROM RECORD

In re Application of
DEROSA, et al.
Application No. 11/056,582
Filed: February 11, 2005
Attorney Docket No. 20866.28568

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 August 18, 2008.

The request is APPROVED.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Heather M. Barnes on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Richard DeRosa at the address indicated below.

The application became abandoned for failure to timely respond the outstanding Office action mailed April 8, 2008.

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

Monica A. Graves
Petitions Examiner
Office of Petitions

CC: RICHARD DEROSA
4785 RANCHWOOD ROAD
AKRON, OH 44333



ROBERT IRELAND
P.O. BOX 273
BANKS OR 97124

COPY MAILED

JAN 22 2007

OFFICE OF PETITIONS

In re Application of :
Allison : DECISION ON PETITION
Application No. 11/056,623 :
For: February 14, 2005 :
Atty. Dkt. No.: ALLI01-05 :

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

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

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

This application became abandoned at the close of business April 23, 2006 for failure to timely submit a proper reply to the non-final Office action, mailed December 15, 2005. A reply to the non-final Office action was submitted March 10, 2006. A Notice of Non-Compliant Amendment was mailed March 23, 2006. The Notice of Non-Compliant Amendment set forth a one month period of time to submit a corrected amendment. Notice of Abandonment was mailed January 5, 2007

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(c).

The instant petition fails to satisfy requirement (3) set forth above.

The Office may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to have been "unavoidable." See, 37 CFR 1.137(a)(3). Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887) (the term "unavoidable" "is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business"); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). A petition to revive an application as unavoidably abandoned cannot be granted where petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (N.D. Ind. 1987).

Petitioner alleges that a reply to the non-final Office action was timely submitted March 30, 2006 and have submitted a copy of the reply.

The arguments of petitioner have been carefully considered, but are not found convincing. A review of the official application file does not indicate receipt of the response purportedly submitted March 30, 2006.

The copy of the response purportedly submitted March 30, 2006 cannot be considered timely as it fails to comply with the requirements of 37 CFR 1.8 or 1.10 in that it lacks a certificate of mailing via USPS First Class Mail or USPS Express Mail.

Any renewed petition must establish that a timely reply to the non-final Office was filed before the USPTO in accordance with the provisions of 37 CFR 1.8 or 1.10, or proof of receipt of a timely filed response, in the form of a return receipt postcard in accordance with MPEP 503. See, also, MPEP 711.03(c).

ALTERNATE VENUE



UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROBERT IRELAND
P.O. BOX 273
BANKS OR 97124

COPY MAILED

JAN 22 2007

OFFICE OF PETITIONS

In re Application of :
Allison : DECISION ON PETITION
Application No. 11/056,623 :
For: February 14, 2005 :
Atty. Dkt. No.: ALLI01-05 :

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

The petition under 37 CFR 1.137(f) is **DISMISSED AS MOOT.**

The instant petition requests revival of the above-identified application for failure to notify the Office of a foreign or international filing.

A review of the official application file does not reveal that the instant application, as filed, included a request for non-publication. Accordingly, submission of the instant petition is neither necessary nor appropriate.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

MAR 19 2007

OFFICE OF PETITIONS

ROBERT IRELAND
P.O. BOX 273
BANKS OR 97124

In re Application of :
Allison : DECISION ON PETITION
Application No. 11/056,623 :
For: February 14, 2005 :
Atty. Dkt. No.: ALLI01-05 :

This is a decision on the petition under 37 CFR 1.137(a), August 2, 2006, to revive the above-identified application. This decision vacates the decision mailed January 22, 2007.

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

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

This application became abandoned at the close of business April 23, 2006 for failure to timely submit a proper reply to the non-final Office action, mailed December 15, 2005. A reply to the non-final Office action was submitted March 10, 2006. A Notice of Non-Compliant Amendment was mailed March 23, 2006. The Notice of Non-Compliant Amendment set forth a one month period of time to submit a corrected amendment. Notice of Abandonment was mailed January 5, 2007.

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(1); (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).

Submission of the petition fee set forth at 37 CFR 1.17(1) is a prerequisite prior to treatment on the merits of any petition submitted pursuant to 37 CFR 1.137(a). While the petition, at

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.


Karen Creasy
Petitions Examiner
Office of Petitions



CHERNOFF, VIHAUER, MCCLUNG & STENZEL,LLP
1600 ODS TOWER
601 S.W. 2ND AVENUE
PORTLAND, OR 97204

COPY MAILED

AUG 14 2008

In re Application of :
Randy J. Schwindt et al :
Application No. 11/056,647 :
Filed: February 11, 2005 :
Attorney Docket No. 1016.2054 :

OFFICE OF PETITIONS
DECISION DISMISSING PETITION
UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed March 17, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the currently 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 and after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

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

The amendment as drafted is unacceptable because the amendment reference Application No. 07/896,853 filed June 11, 1992, as a continuation of Application No. 08/508,325 filed July 27, 1995. Clarification is required.

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

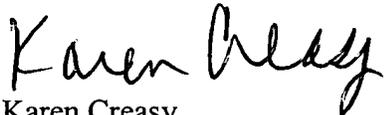
Further correspondence with respect to this matter should be addressed as follows:

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.



Karen Creasy
Petitions Examiner
Office of Petitions

¹ The claim for priority may also be made in an Application Data Sheet in compliance with 37 CFR 1.121 and 37 CFR 1.76(b)(5).



CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP
1600 ODS TOWER
601 S.W. 2ND AVENUE
PORTLAND, OR 97204

COPY MAILED

DEC 19 2008

In re Application of : **OFFICE OF PETITIONS**
Randy J. Schwindt et al :
Application No. 11/056,647 : **DECISION ON PETITION**
Filed: February 11, 2005 : **UNDER 37 CFR 1.78(a)(3)**
Attorney Docket No. 1016.2054 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed November 17, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the

benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. 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 2829 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.



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
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/056,647, 02/11/2005, 2829, 1800, 1016.2054, 9, 7

CONFIRMATION NO. 3962

CORRECTED FILING RECEIPT



Chernoff, Vilhauer, McClung & Stenzel, LLP
1600 ODS Tower
601 S.W. 2nd Avenue
Portland, OR 97204

Date Mailed: 12/18/2008

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)

Randy J. Schwindt, Portland, OR;
Warren K. Harwood, Vancouver, WA;
Paul A. Tervo, Vancouver, WA;
Kenneth R. Smith, Portland, OR;
Richard H. Warner, Portland, OR;

Assignment For Published Patent Application

CascadeMicrotech, Inc.

Power of Attorney:

Jacob Vilhauer Jr--24885 John Staples--30690
Charles McClung--26568 Douglas Ferguson--33382
William Geny--27444 Karen Oster--37621
Dennis Stenzel--28763 Kevin Russell--38292
Donald Haslett--28855

Domestic Priority data as claimed by applicant

This application is a CON of 10/678,549 10/02/2003 PAT 6,980,012
which is a CON of 10/274,068 10/17/2002 PAT 6,720,782
which is a CON of 10/003,948 10/30/2001 PAT 6,492,822
which is a CON of 09/784,231 02/13/2001 PAT 6,335,628
which is a CON of 08/855,735 05/09/1997 PAT 6,232,788
which is a CON of 08/508,325 07/27/1995 PAT 5,663,653
which is a CON of 08/100,494 08/02/1993 PAT 5,457,398
which is a CIP of 07/896,853 06/11/1992 PAT 5,345,170
This application 11/056,647
is a CON of 10/678,549 10/02/2003 PAT 6,980,012

which is a CON of 10/274,068 10/17/2002 PAT 6,720,782
which is a CON of 10/003,948 10/30/2001 PAT 6,492,822
which is a CON of 09/784,231 02/13/2001 PAT 6,335,628
which is a CON of 08/855,735 05/09/1997 PAT 6,232,788
which is a CON of 08/508,325 07/27/1995 PAT 5,663,653
which is a CIP of 08/417,982 04/06/1995 PAT 5,532,609
which is a DIV of 08/245,581 05/18/1994 PAT 5,434,512
which is a DIV of 07/896,853 06/11/1992 PAT 5,345,170

Foreign Applications

If Required, Foreign Filing License Granted: 05/18/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/056,647**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

WAFER PROBE STATION HAVING A SKIRTING COMPONENT

Preliminary Class

324

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).

RECEIVED
CENTRAL FAX CENTER
MAR 30 2005

LAW OFFICE OF
GEORGE S. GRAY
P. O. Box 270190
CORPUS CHRISTI, TEXAS 78427-0190
361-855-8989
Fax: 361-855-6069

Application No. : 11/056,653
Applicant : Gary Ray Smith
Application Filed : 2/11/2005
TC/A.U. : 3753
Examiner : NA
Attorney Docket No. : GS-2NP
Attorney Cust. No. : 30901

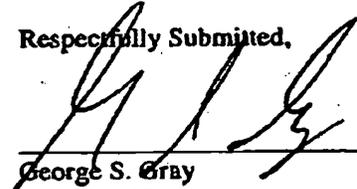
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PETITION TO MAKE APPLICATION SPECIAL

This is a request to make the above-reference application special pursuant to 37 CFR 1.102, and in accordance with MPEP Section 708.02.

STATEMENT: The basis for the request is that the invention materially enhances the quality of the environment in that its function includes containment of cleaning fluids and dislodged materials, including chemical materials, such as carbonate scale, that are removed from chemical process equipment during maintenance activities at industrial facilities. Such containment prevents the cleaning fluids and dislodged materials from discharge upon the ground.

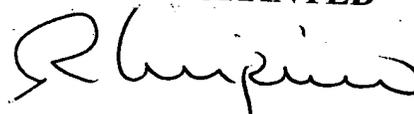
Respectfully Submitted,



George S. Gray
Reg. No. 37,140
361-855-8989

Date: 3/30/05

PETITION GRANTED



Richard Crispino
Special Program Examiner
Technology Center 1700

JUN 13 2005

BEST AVAILABLE COPY



DANIEL B. SCHEIN
P.O. BOX 28403
SAN JOSE, CA 95159

COPY MAILED

MAR 24 2006

OFFICE OF PETITIONS

In re Application of	:	
Atsuo F. Fukunaga et al	:	
Application No. 11/056,665	:	DECISION ON PETITION
Filed: February 12, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 10437-84	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 19, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from Inventor Atsuo F. Fukunaga stating that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3731 for action on the merits commensurate with this decision.


Irvin Dingle
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

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

Mail Date: 04/21/2010

Applicant	: Thomas S. Osborne	: DECISION ON REQUEST FOR
Patent Number	: 7608100	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/056,675	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **77** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



HAROLD V. STOTLAND
SEYFARTH SHAW LLP
SUITE 4200
55 EAST MONROE STREET
CHICAGO IL 60603-5803

COPY MAILED

SEP 02 2005

OFFICE OF PETITIONS

In re Application of	:
Brian Cutler et al.	:
Application No. 11/056,702	: DECISION REFUSING STATUS
Filed: February 11, 2005	: UNDER 37 CFR 1.47(a)
Attorney Docket No. 460890	:

This decision is in response to the petition filed August 11, 2005 (certificate of mail date), under 37 CFR 1.47(a).

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 February 11, 2005 without an executed oath or declaration. Accordingly, on March 14, 2005, the Office Initial Patent Examination mailed a Notice to File Missing Parts of Application, requiring an executed oath or declaration and a surcharge for its late filing.

In response, on August 15, 2005, petitioners filed, *inter alia*, a request and payment for a three (3)-month extension of the time for reply to the Notice mailed on March 14, 2005, and a declaration naming Brian Cutler, Charles P. Davis and Jay J. Kurtovic as joint inventors. Petitioners assert that joint inventor Kurtovic is now deceased and that her legal representative, Tony Zlatko Kurtovic refuses to sign the declaration for this patent application. The declaration has been signed by Cutler and Davis and has been submitted with the present petition, and the late filing surcharge.

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, or legal representative thereof.

The present petition lacks item (1).

In regards to item (1), petitioners have not shown that a copy of the application papers were sent or given to the non-signing inventor's legal representative for review.¹ Although the petition states that a copy of the declaration was sent by FEDEX to the legal representative for deceased inventor Jay J. Kurtovic, 37 CFR 1.47(a) requires that a copy of the present application (specification, including claims, drawings, if any, and the declaration) be sent or given to the legal representative of the deceased inventor for review.

Petitioners should provide a copy of the cover letter transmitting the application papers to the legal representative of the deceased inventor or details given in an affidavit or declaration of facts by a person having first hand knowledge of the details.

Likewise, before a *bona fide* refusal can be shown, the legal representative of the deceased inventor must have been sent or given a copy of the application papers for review. If there is a written refusal, petitioners should provide a copy thereof with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

As well, please be advised that effective November 22, 2004, the petition fee has been increased to \$200.00 from \$130.00. Therein, deposit account no. 19-1351 has been charged in the amount of \$70.00 to make up the difference between that which was paid and that which is due pursuant to 37 CFR 1.17(g). 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
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 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

¹MPEP 409.03(d).



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

Beyer Law Group LLP
P.O. BOX 1687
Cupertino, CA 95015-1687

Mail Date: 04/20/2010

Applicant : Lonny Lee Oswalt : DECISION ON REQUEST FOR
Patent Number : 7577911 : RECALCULATION of PATENT
Issue Date : 08/18/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/056,711 : OF WYETH
Filed : 02/10/2005 :
:
:

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

COPY MAILED

JUN 02 2008

OFFICE OF PETITIONS

In re Application of :
Tom Xiaohai He :
Application No. 11/056,762 : **DECISION ON PETITION**
Filed: February 11, 2005 : **TO WITHDRAW**
Attorney Docket No. 17991-052001 / 05-00661-0 : **FROM RECORD**

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 14, 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 Bryant R. Gold and Laura Haburay Bishop. Bryant R. Gold and Laura Haburay Bishop have been withdrawn as attorneys or agents of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.


Terri Williams
Petitions Examiner
Office of Petitions

cc: **Bryant Gold & Laura Bishop**
25129 Rye Canyon Loop
Valencia, CA 91355



MICROSOFT CORPORATION
LAW OFFICES OF RONALD M. ANDERSON
600 108TH AVENUE N.E., SUITE 507
BELLEVUE WA 98004

COPY MAILED

JUL 20 2005

OFFICE OF PETITIONS

In re Application of :
Dawson Yee :
Application No. 11/056,770 : **DECISION GRANTING PETITION**
Filed: February 11, 2005 :
Attorney Docket No.: MICR0576 :

This is a decision on the petition filed June 20, 2005, in response to the "Notice to File Corrected Application Papers" mailed June 8, 2005, which is treated under 37 CFR 1.182.

The instant application was filed February 11, 2005 a filing date was accorded. However, the Notice also indicated that Figures 3 and 4 as described in the specification appeared to have been omitted.

Petitioner asserts that Figures 3 and 4 were among the papers filed on February 11, 2005, and submits, *inter alia*, a "legible" postcard receipt in evidence thereof. The postcard receipt, identifies the application and acknowledges, *inter alia*, that the application totaled 4 sheets of drawings and bears a United States Patent and Trademark Office date-stamp of February 11, 2004. Further, the postcard receipt lacks any notation of non-receipt of any item listed.

In view of the foregoing, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee in the amount of \$400.00 will be credited back to deposit account no. 01-1940.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing, using the application papers received in the Office on February 11, 2005 and Figures 3 and 4, submitted on petition June 20, 2005.

Telephone inquiries regarding this decision 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Beem Patent Law Firm
53 W. Jackson Blvd, Suite 1352
Chicago, IL 60604-3787

MAILED

JUL 05 2005

Director's Office
Group 3700

In re application of
Jim A. Gillstrom

Serial Number: 11/056772
Filed: February 11, 2005

**DECISION ON PETITION
TO MAKE SPECIAL
UNDER 37 CFR. 1.102(c)**

For: **OXYGEN CANNULA**

This is a decision on the petition filed on February 11, 2005, under 37 CFR. 1.102(c) to make special the above identified application because of the age/health of the applicant. Since the requirements of the M.P.E.P Section 708.02 IV have been met, the petition will be GRANTED.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only 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: Decision on Petition GRANTED.

Richard A. Bertsch
Director
Technology Center 3700
(571) 272-3750

rt: 7/1/05



VINSON & ELKINS, L.L.P.
1001 FANNIN STREET
2300 FIRST CITY TOWER
HOUSTON TX 77002-6760

COPY MAILED

SEP 07 2005

OFFICE OF PETITIONS

In re Application of :
Gao, Wang, and Liu : DECISION REFUSING STATUS
Application No. 11/056,782 : UNDER 37 CFR 1.47(a)
Filed: 11 February, 2005 :
Atty Docket No. INV850/4- :
013US.55008 :

This is in response to the petition filed under 37 CFR 1.47(a) on 15 August, 2005.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on 11 February, 2005, without an executed oath or declaration. Accordingly, on 14 March, 2005, Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration and a surcharge for its late filing.

In response, on 15 August, 2005, petitioners filed a three (3) month extension of time and fee and the present petition and fee. A declaration was filed listing Xiaolian Gao, Xioming Wang, and Jerry Liu as joint inventors and signed by joint inventors Gao

and Wang on behalf of themselves and non-signing joint inventor Liu.

Petitioners assert that a copy of the application was sent to the non-signing inventor, but that the application was returned as undeliverable. Petitioners state that "[f]urther attempts are being made to contact Mr. Liu at [his last known] address."

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a surcharge of \$130 or \$65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and
- (5) a statement of the last known address of the non-signing inventor.

The petition lacks items (1) and (2).

In regards to item (1), petitioners have not shown that joint inventor Liu was sent or presented with a copy of the application as filed (specification, including claims, drawings, if any, and the declaration).¹ As the copy of the application sent to the non-signing inventor and returned as undeliverable was not sent to his last known address, the non-signing inventor obviously did not have an opportunity to review the application papers. The application papers should be sent to the last known address of the non-signing inventor.

Petitioners may show proof that a copy of the application was sent or given to the non-signing inventor for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the declaration) to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

¹MPEP 409.03 (d).

Likewise, before a *bona fide* refusal to sign the declaration can be alleged, petitioners must show that a copy of the application was sent or given to the inventor. If the inventor refuses in writing, petitioners must submit a copy of that written refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of fact.

With regards to item (2) the declaration is defective in that it does not state the residence, mailing address, or citizenship of non-signing inventor Liu.¹ A statement of the inventor's citizenship is a statutory requirement and cannot be waived.² A new oath or declaration, containing the residence, mailing address, and citizenship of both inventors, signed by the signing inventor on behalf of himself and the non-signing inventor in compliance with 37 CFR 1.63 and 1.67 is required.

Additionally, the declaration filed with the petition does not meet the requirements of 37 CFR 1.63 because it contains uninitialed/undated alterations.¹ Specifically, there are uninitialed/undated alterations in the signature block for joint inventor Wang. A new oath or declaration in compliance with 37 CFR 1.63 and 1.67, listing the residence, mailing address, and citizenship of all of the inventors and signed by the inventor to whom the corrections pertain (*i.e.*, joint inventor Wang) must be provided with any renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

¹ MPEP 605.01.

² 35 U.S.C. § 115, MPEP 605.01.

¹See 37 CFR 1.52(c).

By hand: Customer Service Window
 Mail Stop Petition
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov
DW Oct-05

VINSON & ELKINS, L.L.P.
1001 FANNIN STREET
2300 FIRST CITY TOWER
HOUSTON TX 77002-6760

COPY MAILED

OCT 24 2005

OFFICE OF PETITIONS

In re Application of :
Gao, Wang, and Liu : DECISION NOTING JOINDER
Application No. 11/056,782 : OF INVENTOR AND PETITION
Filed: 11 February, 2005 : UNDER 37 CFR 1.47(a) MOOT
Atty Docket No. INV850/4- :
013US.55008 :

Papers filed on 6 September and 11 October, 2005, in response to the decision dismissing petition mailed on 7 September, 2005, included a Declaration signed by the previously non-signing inventor, Jerry Liu, in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is moot; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

This application will be referred to Technology Center Art Unit 1631 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



Vinson & Elkins, L.L.P.
1001 Fannin Street
2300 First City Tower
Houston, TX 77002-6760

COPY MAILED

FEB 04 2008

OFFICE OF PETITIONS

In re Application of	:	
Xiaolian Gao et al.	:	
Application No. 11/056,782	:	DECISION ON PETITION
Filed: February 11, 2005	:	TO WITHDRAW
Attorney Docket No. INV850/4-013US/55008	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 15, 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, *application returned to assignee per their request*, do not meet any the conditions set forth in 37 CFR 10.40.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary

evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.



Terri Williams
Petitions Examiner
Office of Petitions

cc: **Intelleyate LLC**
900 2nd Avenue South
Suite 1700
Minneapolis, MN 55402


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
11/056,799	02/11/2005	2853	3530	FALSER ET AL - 1	14	56	6

 25889
 WILLIAM COLLARD
 COLLARD & ROE, P.C.
 1077 NORTHERN BOULEVARD
 ROSLYN, NY 11576

CONFIRMATION NO. 5941
UPDATED FILING RECEIPT


OC000000016222735

Date Mailed: 06/08/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

 Klaus Falser, Kaltern an der Weinstrasse, ITALY;
 Peter Duracher, Sillian, AUSTRIA;
 Franz Obertegger, Brixen, ITALY;

Power of Attorney:

 Allison Collard--22532
 Edward Freedman--26048
 Frederick Dorchak--29298
 Elizabeth Richter--35103
 William Collard--38411

Domestic Priority data as claimed by applicant
Foreign Applications

 AUSTRIA A 227/2004 02/12/2004
 AUSTRIA A 118/2005 01/26/2005

If Required, Foreign Filing License Granted: 03/15/2005

 The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/056,799**

Projected Publication Date: 09/15/2005

Non-Publication Request: No

BEST AVAILABLE COPY

Early Publication Request: No

Title

Inkjet printer

Preliminary Class

347

**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).



**WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION)
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891**

COPY MAILED

DEC 1 0 2008

OFFICE OF PETITIONS

In re Application of :
Bergstraesser et al. :
Application No. 11/056,800 :
Filed: February 11, 2005 :
Attorney Docket No. MSFT-4840 (125304.4) :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 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 13, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the date of abandonment of this application is March 14, 2008. A Notice of Abandonment was mailed July 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 a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114, (2) the petition fee of \$1,540, and (3) an adequate statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,050 extension of time fee submitted with the petition on July 24, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center AU 2162 for processing of the RCE and for appropriate action by the Examiner in the normal course of business in accordance with 37 CFR 1.114.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

COPY MAILED
AUG 07 2008

In re Application of :
FULTON et al. :
Application No. 11/056,805 : **DECISION ON PETITION**
Filed: 02/11/2005 :
Attorney Docket No. 2004P02744US01 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 21, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely and proper reply within the meaning of 37 CFR 1.113 to the final Office action, mailed August 10, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 11, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that applicant has supplied (1) the reply in the form of a RCE, the RCE fee, and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

This application is being referred to Technology Center AU 2121 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

C. P. 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

GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

Mail Date: 04/21/2010

Applicant : Allen B. Kantrowitz : DECISION ON REQUEST FOR
Patent Number : 7652557 : RECALCULATION OF PATENT
Issue Date : 01/26/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/056,808 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/11/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **945** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



TOWNSEND AND TOWNSEND AND CREW,
LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

COPY MAILED

AUG 09 2007

OFFICE OF PETITIONS

In re Application of

W. Jack Harper

Application No. 11/056,828

Filed: February 10, 2005

Attorney Docket No. 040172-000410US

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 April 20, 2007.

The request is **APPROVED**.

A review of the file record indicates that Thomas D. Franklin of the firm Townsend and Townsend and Crew, LLP: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, all the attorneys have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

The correspondence address has been changed to the sole inventor since the assignee has not properly intervened in this application. Compliance with 37 CFR 3.73(b) must be satisfied if assignee desires to intervene in this application. A form complying with the provisions of 37 CFR 3.73(b) may be found on the USPTO.gov website (Form No. PTO/SB/96).

Applicant is reminded that there is no attorney of record at this time.

There are no outstanding Office actions in this case.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Frances Hicks
Petitions Examiner
Office of Petitions

cc: W. Jack Harper
5398 Evergreen Heights Drive
Evergreen, CO 80439-7532

cc: BSI2000, Inc.
1153 Bergen Parkway
Suite M350
Evergreen, CO 80439


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 (e) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/056,828	02/10/2005	W. Jack Harper	040172-000410US

CONFIRMATION NO. 3609

20350
 TOWNSEND AND TOWNSEND AND CREW, LLP
 TWO EMBARCADERO CENTER
 EIGHTH FLOOR
 SAN FRANCISCO, CA 94111-3834



Date Mailed: 08/09/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/20/2007.

- 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.

Kimberl Drabinet

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

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

KOPPEL & JACOBS
555 ST. CHARLES DR.
THOUSAND OAKS, CA 91360

COPY MAILED

MAR 10 2006

In re Application of
Philip Berardi
Application No. 11/056,834
Filed: February 10, 2005
Attorney Docket No. 418-27-004

:
:
:
:
:
:
:

**OFFICE OF PETITIONS
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 1, 2005.

The request is **NOT APPROVED**.

A review of the file record indicates that Steven C. Sereboff & practitioners associated with customer No. 33358 do not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the address of record until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Irvin Dingle at 571-272-3210.

Denise Pothier
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KOPPEL & JACOBS
555 ST. CHARLES DR.
THOUSAND OAKS, CA 91360

COPY MAILED
MAR 10 2006

In re Application of
Philip Berardi
Application No. 11/056,834
Filed: February 10, 2005
Attorney Docket No. 418-27-004

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 29, 2005 and supplemented on January 27, 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 Louis Mok on behalf of all attorneys of record who are associated with Customer No. 23935. All attorneys/agents associated with the Customer Number 23935 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 Irvin Dingle at (571) 272-3210.

Denise Pothier
Petitions Examiner
Office of Petitions

cc: Philip Berardi
3529 Old Conejo Road
Thousand Oaks, CA 91359



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

RECEIVED

MAR 21 2006

OFFICE OF PETITIONS

COPY MAILED

MAR 10 2006

KOPPEL & JACOBS
555 ST. CHARLES DR.
THOUSAND OAKS, CA 91360

In re Application of
Philip Berardi
Application No. 11/056,834
Filed: February 10, 2005
Attorney Docket No. 418-27-004

OFFICE OF PETITIONS

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 29, 2005 and supplemented on January 27, 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 Louis Mok on behalf of all attorneys of record who are associated with Customer No. 23935. All attorneys/agents associated with the Customer Number 23935 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 Irvin Dingle at (571) 272-3210.

Denise Pothier
Petitions Examiner
Office of Petitions

cc: Philip Berardi
3529 Old Conejo Road
Thousand Oaks, CA 91359


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
11/056,834	02/10/2005	Philip Berardi	418-27-004

23935
 KOPPEL, PATRICK & HEYBL
 555 ST. CHARLES DRIVE
 SUITE 107
 THOUSAND OAKS, CA 91360

CONFIRMATION NO. 3604



OC000000018238432

Date Mailed: 03/09/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/27/2006.

- 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.



 DENISE M POTHIER
 OP (571) 272-4787

FORMER ATTORNEY/AGENT COPY

RECEIVED
MAR 21 2006
OFFICE OF PETITIONS

Organization MZW Bldg./Room 7#58

UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450

Alexandria, Va. 22313-1450
If Undeliverable Return In Ten Days

Official Business
Penalty For Private Use, \$300

RECEIVED
MAR 21 2006

OFFICE OF PETITIONS

IA

Philip Berardi
3529 Old Congress Road
Thousand Oaks, CA 91320

AN EQUAL OPPORTUNITY EMPLOYER



UNITED STATES POSTAGE
U.S. OFFICIAL MAIL
PENALTY FOR PRIVATE USE \$300
02 1A
\$00.39
0004204479 MAR10 2006
MAILED FROM ZIP CODE 22314

RECEIVED
MAR 21 2006

NIXIE 913 1 00 03/18/06

RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

2231301450 03 05 10
2291921450
02 1A 0004204479 MAR10 2006 *3952-91380-18-29



MUSICK, PEELER & GARRETT LLP
225 BROADWAY
SUITE 1900
SAN DIEGO CA 92101

COPY MAILED

JUL 29 2008

In re Application of
BERARDI, Philip
Application No. 11/056,834
Filed: February 10, 2005
Attorney Docket No. **418-27-004**

:
:
:
:
:
:
:

**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. § 1.136(b), filed July 02, 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 Donald Bivens, the sole attorney of record. Donald Bivens 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 inventor Philip Berardi at the address indicated below.

The application became abandoned for failure to timely file a proper reply to the Office letter mailed on May 01, 2007.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.


Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **PHILIP BERARDI FOR THE BERARDI FAMILY TRUST
P.O. BOX 3372
THOUSAND OAKS CA 91359**



CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

MAILED

APR 15 2010

In re Application of
Philip BERARDI
Application No. 11/056,834
Filed: February 10, 2005
Attorney Docket No. 62546/1388

OFFICE OF PETITIONS

**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 2, 2010.

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 Garscia on behalf of the attorneys of record associated with Customer No. 23363.

The attorneys of record associated with Customer No. 23363 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below, until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: MR. PHILIP BERARDI FOR THE
BEARADI FAMILY TRUST
1120 YARNELL PLACE
OXNARD, CA 93033



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
11/056,834	02/10/2005	Philip Berardi	62546/1388

CONFIRMATION NO. 3604

POWER OF ATTORNEY NOTICE

23363
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068



Date Mailed: 04/14/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/02/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

COPY MAILED

DEC 06 2005

OFFICE OF PETITIONS

In re Application of
Szerk and Oram
Application No.: 11/056,857
Filed: February 11, 2005
Attorney Docket No: 12406/6102
For: METHOD AND SYSTEM FOR AUTHENTICATION

:
:
: DECISION ACCORDING
: RULE 47(a) STATUS
:

This is in response to the petition under 37 CFR 1.47(a), filed October 17, 2005 (certificate of mailing dated October 12, 2005.)

The petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The above-cited application was filed on February 11, 2005, and was not accompanied by an executed oath or declaration. A Notice to File Missing Parts was mailed on March 14, 2005, allowing an extendable period for reply of two months from its mailing date. The notice required an executed oath or declaration to be filed. On October 17, 2005, the instant petition was filed, along with a declaration executed by inventor Oram. The instant petition was filed on October 17, 2005, with a request for an extension of time within the fifth month.

Petitioner has shown that inventor Szerk has refused 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 inventor at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Deposit account 11-0600 will be charged an additional \$70.00 for the petition fee, which is \$200.00, not \$130.00.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
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

Walter Szerk
60 Spencer Avenue
Eat Greenwich, RI 02818

COPY MAILED

DEC 06 2005

OFFICE OF PETITIONS

In re Application of
Szerk and Oram
Application No.: 11/056,857
Filed: February 11, 2005
Attorney Docket No: 12406/6102
For: METHOD AND SYSTEM FOR AUTHENTICATION

:
:
: LETTER
:
:

Dear Mr. Szerk:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Kenya A. McLaughlin at (571) 272-3222. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Kenya A. McLaughlin
Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004



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

Brian M. Berliner
O'MELVENY & MYERS LLP
400 So. Hope Street
Los Angeles, CA 90071-2899

MAILED

MAR 25 2005

Director's Office
Group 3700

In re application of
Robert S. Symons
Serial Number: 11/056911
Filed: February 10, 2005

:
:
:
:
:
:

**DECISION ON PETITION
TO MAKE SPECIAL
UNDER 37 CFR. 1.102(c)**

**For: INTEGRATED LIQUID COOLING DEVICE WITH IMMersed ELECTRONIC
COMPONENTS**

This is a decision on the petition filed on March 10, 2005, under 37 CFR. 1.102(c) to make special the above identified application because of the age/health of the applicant. Since the requirements of the M.P.E.P Section 708.02 IV have been met, the petition will be GRANTED.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only 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: Decision on Petition GRANTED.

Richard A. Bertsch
Director
Technology Center 3700
(571) 272-3750

rt: 3/25/05



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
OCT 11 2006
OFFICE OF PETITIONS

DAVIS WRIGHT TREMAINE, LLP
2600 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE, WA 98101-1688

In re Application of
Songgang Qiu, et al.
Application No. 11/056,927
Filed: February 11, 2005
Attorney Docket No. 53353-22

:
:
:
:
:
:

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed May 24, 2006.

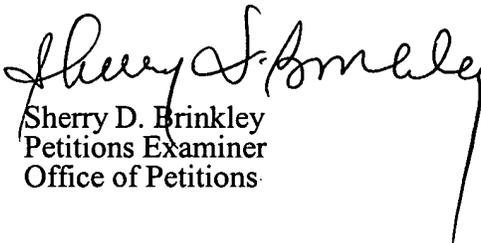
The petition is **GRANTED**.

The application became abandoned for failure to pay the issue fee on or before May 22, 2006. This decision precedes the mailing of a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the requisite issue/publication fee; (2) the petition fee of \$1,500; and (3) the required statement of unintentional delay.

The application is being referred to the Office of Publications to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at Publishing Division should be directed to (571) 272-4200.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



MEDTRONIC VASCULAR, INC.
IP LEGAL DEPARTMENT
3576 UNOCAL PLACE
SANTA ROSA CA 95403

COPY MAILED
AUG 11 2005
OFFICE OF PETITIONS

In re Application of :
Marvin Cervantes :
Application No. 11/056,933 : **ON PETITION**
Filed: February 11, 2005 :
Attorney Docket No. PA1557 :

This is in response to the petition under 37 CFR 1.47(b), filed June 20, 2005 (certificate of mailing dated June 16, 2005). Applicant obtained an extension of time for response within the first month. Accordingly, the petition is filed timely.

Applicant is given TWO (2) MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

On February 11, 2005, applicant filed the above-identified application without an executed oath or declaration. Accordingly, on March 16, 2005, the Office mailed a Notice to File Missing Parts of Nonprovisional Application to applicant, requiring the submission of an executed oath or declaration, and the payment of the statutory basic filing fee, claim fees and a surcharge. In response, on June 20, 2005 (certificate of mailing dated June 16, 2005), applicant filed the present petition.

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration; (2) an acceptable oath or declaration; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor; (5) proof of proprietary interest; and, (6) proof of irreparable damage. Applicant lacks items (1) and (5) as set forth above.

As to item (1), it is unclear whether the non-signing inventor was presented with a complete copy of the application papers, including the specification, claims, and drawings. A review of the Exhibits submitted with the petition indicates that applicant presented the non-signing inventor with copies of the declaration and an assignment only. Accordingly, applicant failed to show or provide proof that the inventor refused to sign the declaration. Before an inventor can refuse to sign an oath or declaration, he must have been presented with a copy of the application papers (specification, claims

and drawings). See MPEP 409.03(d). Applicant should show that a copy of the application papers was presented to the inventor, but that he did not respond to the request that he sign the oath/declaration in order to show refusal to join in the application. Someone with firsthand knowledge should make a statement regarding the pertinent events. However, if the inventor can no longer be located, applicant should mail a copy of the application papers to the inventor's last known address with a request that he sign the declaration for the patent application. A forwarding address should be requested. If the papers are returned, and other diligent attempts to locate the inventor fail, then applicant will have established that the inventor cannot be reached. Applicant should submit evidence of the steps taken to locate the non-signing inventor.

As to item (6), applicant failed to make a statement or provide proof of irreparable harm.

Accordingly, the petition is dismissed.

The Office finance records indicate that applicant paid a petition fee in the amount of \$400.00. The current fee for a petition under 37 CFR 1.47(b) is \$200.00. Therefore, the overpayment of \$200.00 will be refunded to applicant's Deposit Account.

Further correspondence with respect to this matter should be addressed as follows and **directed to the attention of Senior Petitions Attorney Christina Tartera Donnell**:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

From: Douglas Scholer [dscholer@tlgiplaw.com]

Sent: Friday, October 02, 2009 4:12 PM

To: Foud, Hicham B.

Subject: App. No. 11/056,937 Interview Summary for Monday at 10:00 AM

Dear Examiner Foud,

Thanks for considering this amendment for the RCE:

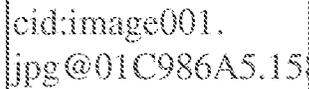
1. (Currently Amended) A system for transporting data comprising:
a first add delete multiplexer (ADM) configured to receive non-Time Division Multiplexing (non-TDM) traffic and to encapsulate the non-TDM traffic within a synchronous optical network (SONET) synchronous transport signal (STS) frame, wherein a format of the non-TDM traffic signal is preserved while encapsulated;
a first SONET ring coupled to the first ADM; and
an optical cross connect module at least partially interconnecting the first SONET ring and a second SONET ring, the optical cross connect module configured to pass the SONET STS frame to the second SONET ring without de-encapsulating the non-TDM traffic from the SONET STS frame.

My thinking is that Patenaude is converting, instead of encapsulating/embedding non-TDM traffic (as a payload that preserves the format of the encapsulated traffic) within a SONET signal frame. Instead, Patenaude maps or serializes, or otherwise changes/converts between the formats. See paragraphs [0019], [0021], and [0044]. Patenaude's conversion blocks fit on a single card and replace multiple cards that are typically used for conversions. See paragraph [0014].

Thanks and I look forward to hearing your suggestions-

Doug

Doug Scholer
Toler Law Group Intellectual Properties
8500 Bluffstone Cove, Suite A201
Austin, TX 78759
(910) 508-4056 (cell)
(512) 732-7951 (direct)
(512) 327-5575 (fax)
dscholer@tlgiplaw.com



cid:image001.
jpg@01C986A5.15

This message, including attachments and enclosures, is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable laws. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone at (512) 327-5515 and return the original to us by postal service at Toler Law Group, 8500 Bluffstone Cove, Suite A201, Austin, Texas 78759.

Circular 230 Disclosure: Pursuant to recently-enacted U.S. Treasury Department Regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including attachments and enclosures, is not intended or written to be used, and may not be used, for purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein. Thank you.



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

SEP 1 2 2006

OFFICE OF PETITIONS

GRAYBEAL, JACKSON, HALEY LLP
155 - 108TH AVENUE NE
SUITE 350
BELLEVUE WA 98004-5901

In re Application of :

Marco Tripodi et al. :

Application No. 11/056,941 :

Filed: February 11, 2005 :

Attorney Docket No. 2323-003-03 :

**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. § 1.136(b), filed January 17, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of attorneys/agents associated with customer number 00996. 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 Charles Smoot at 571-272- 3299.


David Bucci
Petitions Examiner
Office of Petitions

cc: Jeffrey J. King
Black Lowe & Graham PLLC
701 Fifth Avenue Suite 4800
Seattle, WA 98104



Scott C. Harris
Fish & Richardson
P.O. Box 1022
Minneapolis, MN 55440-1022

COPY MAILED

MAY 08 2007

OFFICE OF PETITIONS

In re Application of	:	
Kenneth S. Bailey et al.	:	
Application No. 11/056,945	:	DECISION ON PETITION
Filed: February 11, 2005	:	TO WITHDRAW
Attorney Docket No. 17342-004002	:	FROM RECORD
	:	

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 7, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

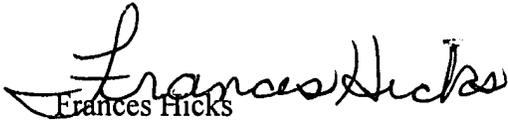
The request was signed by Scott C. Harris on behalf of all attorneys of record with the firm of Fish & Richardson, PC. All attorneys/agents associated with this firm have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

Accordingly, all correspondence will be mailed to the first signing inventor Kenneth S. Bailey at the address appearing in the Declaration of the application. If applicant desires to be represented by an attorney the proper power of attorney documents must be submitted.

A non-final rejection was mailed on April 5, 2007. Failure to respond within the set or extended time period will result in the abandonment of this application.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.


Frances Hicks
Petitions Examiner
Office of Petitions

cc: Kenneth S. Bailey
Secure Logistix
2149 Vista Dorado Street
Newport Beach, CA 92660


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
11/056,945	02/11/2005	Kenneth S. Bailey	17342-004002

 20985
 FISH & RICHARDSON, PC
 P.O. BOX 1022
 MINNEAPOLIS, MN 55440-1022

CONFIRMATION NO. 1103


OC000000023648150

Date Mailed: 05/02/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/07/2007.

- 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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

Tesfa Guma
7709 Newcastle Dr.
Annandale, VA 22003

SEP 22 2005
Director's Office
Group 3700

In re application of : **DECISION ON PETITION**
Tesfa Guma : **TO MAKE SPECIAL**
 : **UNDER 37 CFR. 1.102(c)**
Serial Number: 11/056,988 :
Filed: February 14, 2005 :

For: **SECURITY UNDERWEAR DEVICE FOR SEXUAL ORGANS**

This is a decision on the petition filed on May 12, 2005, under 37 CFR. 1.102(c) to make special the above identified application because of the age/health of the applicant. Since the requirements of the M.P.E.P Section 708.02 IV have been met, the petition will be GRANTED.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only 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: Decision on Petition **GRANTED**.

Richard A. Bertsch
Director
Technology Center 3700
(571) 272-3750

rt: 9/22/05



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

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 05/17/2010

Applicant : Srdjan Mirkovic : DECISION ON REQUEST FOR
Patent Number : 7648523 : RECALCULATION of PATENT
Issue Date : 01/19/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/056,991 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/11/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **935** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
FROM DIRECTOR'S OFFICE

DEC 31 2007

TECHNOLOGY CENTER 3600

Donald W. Meeker
924 East Ocean Front #E
Newport Beach, CA 92661

In re application of : **DECISION ON PETITION**
Steve Shaw : **TO MAKE SPECIAL**
Application No. 11/056,993 : **(ACCELERATED**
Filed: February 11, 2005 : **EXAMINATION)**
For: MODULAR STONE SURFACING SYSTEM OF
BLOCK-CUT SEAMLESS PIECES

This is in response to the petition filed on February 11, 2005 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 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.



Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(571) 272-6611

KJD/slb: 12/18/2007



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS TX 75201-2980

COPY MAILED

AUG 06 2008

OFFICE OF PETITIONS

In re Application of :
Takuki Kamiya :
Application No. 11/056996 :
Filing or 371(c) Date: 02/11/2005 :
Attorney Docket Number: :
075735.0105 (04-51471 FSW) :

ON PETITION

This is a decision on the “Petition to Withdraw Amendment Pursuant to 37 CFR § 1.182,” filed May 23, 2008. The petition is properly treated under 37 CFR 1.59(b)¹,” filed June 2, 2008.

The Petition under 37 C.F.R. § 1.59 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 “Request for Reconsideration of Petition under [insert the applicable code section]”. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Petitioner files the present petition to withdraw an amendment submitted in error from the file wrapper.

The MPEP 724.05(II), Information Unintentionally Submitted in Application, provides

A petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that:

(A) the Office can effect such return prior to the issuance of any patent on the application in issue²;

¹ A petition under 37 CFR 1.182 is appropriate in situations not specifically provided for in the regulations. In this instance, Applicant asserts that the amendment filed May 22, 2008 was filed in error, and requests withdrawal of the amendment from the file wrapper. As such, a petition to expunge the unintentionally submitted information under 37 CFR 1.59(b) is the appropriate venue.

² The Office will not return the documents from the physical file because it is the Office’s policy not to remove papers from files that have been scanned. The Office will, however, “close” the images in the application or patent that was the subject of the petition, so that no information about the recorded document will appear when someone searches for that application or patent number in the electronic file.

(B) it is stated 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;

(C) the information has not otherwise been made public;

(D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;

(E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and

(F) the petition fee as set forth in 37 CFR 1.17(g) is included.

The present petition lacks items (B), (C), and (D). Petitioner has failed to state that 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; Petitioner has failed to state that the information has not otherwise been made public, and Petitioner has failed to commit to retain such information for the period of any patent with regard to which the information was submitted.

The petition is dismissed without prejudice. Petitioner should file a request for reconsideration of the petition and include the necessary statements.

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
Alexandria, VA 22313-1450
www.uspto.gov

Douglas H. Pauley
Pauley Petersen & Erickson
Suite 365
2800 West Higgins Road
Hoffman Estates IL 60195

COPY MAILED

DEC 05 2008

In re Application of
Lewis, et al.
Application No.: 11/057,004
Filed: February 11, 2005
Attorney Docket No.: AFC-102

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 29, 2008 (certificate of mailing date September 25, 2008), to revive the above-identified application.

The petition is **granted**.

This application became abandoned as a result of petitioners' 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 June 4, 2007, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on August 5, 2007. *See* MPEP 1215.04.

Applicants have submitted an Appeal Brief, an acceptable statement of the unintentional nature of the delay in filing the Appeal Brief, and the petition fee.

After the mailing of this decision, the file will be forwarded to Technology Center AU 3651 for consideration of the Appeal Brief, filed September 29, 2008 (certificate of mailing date September 25, 2008).

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Shirene Willis Brantley
Petitions Attorney
Office of Petitions



MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

COPY MAILED

MAY 01 2008

OFFICE OF PETITIONS

In re Application of Hasegawa et al. :
Application No. 11/057,008 : Decision on Petition
Filing Date: February 11, 2005 :
Attorney Docket No. 5576-140DV :

This is a decision on the petition filed November 13, 2007, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed**.

Facts:

A Notice of Non-Compliant Amendment was mailed February 15, 2007. The Notice set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later).

Neither a reply nor a request for an extension of time was filed in response to the February 15, 2007 Notice. As a result, the application became abandoned on March 16, 2007.

A Notice of Abandonment was mailed November 1, 2007.

The instant petition was filed November 13, 2007. The petition states petitioner never received the February 15, 2007, requests the Office withdraw the holding of abandonment, and appears to request the Office mail a new Notice of Non-Compliant Amendment setting a new period of time to reply.

Discussion:

MPEP 711.03(c)(I)(A) states,

[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 failed to provide the showing outlined above. Specifically, the evidence presented by petitioner simply includes a statement the February 15, 2007 Notice was not received.

Any request for reconsideration should be accompanied by the showing described in MPEP 711.03(c)(I)(A).

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A request for reconsideration may be filed by EFS. If the request is not filed by EFS, the request should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
 Attn: Office of Petitions

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.


Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

COPY MAILED

AUG 14 2008

OFFICE OF PETITIONS

In re Application of Hasegawa et al. :
Application No. 11/057,008 : Decision on Petition
Filing Date: February 11, 2005 :
Attorney Docket No. 5576-140DV :

This is a decision in response to the "Renewed Petition Under 37 C.F.R. § 1.137 and § 1.181" filed May 15, 2008, and supplemented August 13, 2008.

The petition under 37 CFR 1.181 is **granted**.

The petition under 37 CFR 1.137(a) is **dismissed as moot**.

A Notice of Non-Compliant Amendment was mailed February 15, 2007. The Notice set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). Neither a reply nor a request for an extension of time was filed in response to the February 15, 2007 Notice. As a result, a Notice of Abandonment was mailed November 1, 2007.

Petitioner asserts the February 15, 2007 Notice was never received. The evidence supplied by petitioner is sufficient to demonstrate non-receipt of the February 15, 2007 Notice. Therefore, the petition under 37 CFR 1.181 is granted, the Notice of Abandonment is vacated, and the holding of abandonment is withdrawn.

Since the petition under 37 CFR 1.181 has been granted, petitioner's request to have the petition considered under 37 CFR 1.137(a) is dismissed as moot. No petition fee is required for a petition to withdraw holding of abandonment under 37 CFR 1.181. Therefore, the petition fee of \$510 has been credited back to petitioner's deposit account.

Technology Center Art Unit 1796 will be informed of the instant decision and the examiner will review and consider the amendment filed May 15, 2008, 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



TOD R. NISSLE, P.C.
P.O. Box 55630
Phoenix AZ 85078

COPY MAILED

APR 02 2008

OFFICE OF PETITIONS

In re Application of
LAWRENCE K. ROSE
Application No. 11/057,019
Filed: 02/11/2005
Attorney Docket No. 629-P-3

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 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 September 16, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 17, 2005. On May 1, 2006, the Office mailed a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

This application is being referred to Technology Center AU 3671 for appropriate action by the Examiner in the normal course of business on the reply received on December 12, 2007.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

J. Rodman Steele, Jr.
AKERMAN SENTERFITT
P.O. Box 3188
West Palm Beach, FL 33402-3188

COPY MAILED
AUG 22 2006
OFFICE OF PETITIONS

In re Application of	:	
Takayoshi KOJIMA	:	
Application No. 11/057,023	:	DECISION ON PETITION
Filed: February 11, 2005	:	TO WITHDRAW
Attorney Docket No. 1625-192	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.136(b), filed March 15, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by J. Rodman Steele, Jr. on behalf of all attorneys of record who are associated with customer No. 30448.

All attorneys/agents associated with the Customer Number 30448 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the sole inventor Takayoshi Kojima at the address indicated below.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at 571-272-7253.



David Bucci
Petitions Examiner
Office of Petitions

cc: Takayoshi Kojima
2-4-7, Utsubohonmachi, Nishi-ku
Osaka, Japan 550-0004



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
11/057,023	02/11/2005	Takayoshi Kojima	1625-192

CONFIRMATION NO. 2741

30448
AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH, FL 33402-3188



Date Mailed: 08/09/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/15/2006.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

MONICA A GRAVES
OP (571) 272-7253

FORMER ATTORNEY/AGENT COPY

21 SEP 2009



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

MARSH, FISCHMANN & BREYFOGLE LLP
8055 East Tufts Avenue
Suite 450
Denver CO 80237

In re Patent No. 7,102,899
Issue Date: September 5, 2006
Application No. 11/057,029
Filed: February 11, 2005
Attorney Docket No. 041165-9083-US00

:DECISION ON PETITION
:UNDER 37 CFR 1.78(a)(3) AND
:REQUEST FOR CERTIFICATE
:OF CORRECTION
:

This is a decision on the "PETITION TO CORRECT DOMESTIC PRIORITY CLAIM UNDER 35 U.S.C. 120 (37 CFR 1.78(a)(3)),¹ filed April 07, 2009, which is being treated as a petition under 37 CFR 1.78(a)(3) seeking to add a claim for priority on the front page of the Letters Patent by way of a Certificate of Correction to prior-filed international application PCT/EP2004/002421, filed March 9, 2004.

The petition is **DISMISSED AS MOOT**.

The instant application was filed February 11, 2005. Therefore, since this application was filed after November 29, 2000, a petition under 37 CFR 1.78(a)(3), along with submission of a Certificate of Correction, is the appropriate avenue of relief to accept a late claim for the benefit of priority to a prior-filed nonprovisional application after issuance of the application into a patent. See MPEP 1481.03

While a reference to the prior-filed application 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.

If the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required. Applicant is still required to submit the reference in compliance with 37 CFR 1.78(a) by filling an amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11.

In view of the above, the \$1,410 petition fee submitted is unnecessary and will be refunded to petitioner's deposit account in due course. However, either an amendment to the first sentence(s)

of the specification or an ADS, adding the required reference to the prior-filed application, remains outstanding. Applicant is advised that although a Certificate of Correction may be used to amend a patent, it cannot be used to amend the application. 37 CFR 1.78(a)(2)(iii) requires that the application contain the specific reference to the prior-filed application.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3301.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PCT
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop PCT
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-0459
 ATTN: Office of PCT Legal Administration

/Daniel Stemmer/

/Bryan Lin/

Daniel Stemmer
PCT Legal Examiner
Office of PCT Legal Administration

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED Paper No.

FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

AUG 13 2009

OFFICE OF PETITIONS

In re Patent No. 7,524,839 :
Caldirola et al. : DECISION DISMISSING
Application No. 11/057,033 : REQUEST FOR
Issue Date: April 28, 2009 : RECONSIDERATION OF
Filed: February 11, 2005 : PATENT TERM ADJUSTMENT
Attorney Docket No.: 13425-052002 : UNDER 37 CFR § 1.705(d)
Title: NOVEL COMPOUNDS, THEIR USE :
AND PREPARATION :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 705(d)," filed on June 22, 2009, which is being treated as a petition pursuant to 37 CFR § 1.705(d), requesting that the patent term adjustment determination for the above-identified patent be changed from two hundred and thirty (230) to six hundred and thirty-four (634) days.

The request for reconsideration of patent term adjustment is **DISMISSED**.

On April 28, 2009, the application matured into U.S. Patent No. 7,524,839, with a revised patent term adjustment of 230 days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

On June 22, 2009, patentees timely submitted this request for reconsideration of patent term adjustment within two months of the issue date of the patent. Patentees argues, citing Wyeth v. Dudas, Civ. Action No. 07-1492 (JR), that it is entitled to a total patent term adjustment of 634 days, which is the sum of the 442 days of patent term adjustment due to exceeding the three year pendency plus 205 days due to USPTO delay in prosecution, minus 13 days of overlap minus the 212 days of

applicant delay, *i.e.*, that the revised determination of patent term adjustment indicated on the patent should be 634 days.

The 442-day period is calculated based on the application having been filed under 35 U.S.C. § 111(a) on February 11, 2005, and the instant patent issued on April 28, 2009, which is 3 years and 442 days after its filing date.

Under 37 CFR § 1.703(f), Patentees are entitled to a period of patent term adjustment equal to the period of delays based on the grounds set forth in 37 CFR § 1.702 reduced by the period of time equal to the period of time during which Patentees failed to engage in reasonable efforts to conclude prosecution pursuant to 37 CFR § 1.704. In other words, the period of Office delay reduced by the period of applicant delay.

The period of reduction of 212 days for applicant delay is not in dispute.

Patentees do not dispute that the total period of Office delay is the sum of the period of Three Years Delay (442 days) and the period of Examination Delay (205 days) to the extent that these periods of delay are not overlapping. However, Patentees contend that the Three Year Delay period and the examination period overlap by 13 days as they occur on the same calendar days. This overlapping period is the 13 days from April 16, 2009 to April 28, 2009. Accordingly, Patentees submit that the total period of adjustment for Office delay is 634 days, which is the sum of the period of Three Year Delay (442 days) and the period of Examination Delay (205 days), reduced by the period of overlap (13 days).

As such, Patentees assert entitlement to a patent term adjustment of 422 days (442 + 205 reduced by 13 overlap - 212 (applicant delay)).

The Office agrees that the application was pending 3 years and 442 days after its filing date. The Office agrees that an action was not taken within the specified time frame, and thus, the entry of a period of adjustment of 442 days for Office delay is correct. At issue is whether Patentees should accrue 429 days of patent term adjustment for the Office taking in excess of three years to issue the patent (442 days less the 13 days of overlap), as well as 205 days for Office failure to take a

certain action within a specified time frame (or examination delay).

The Office contends that the entire 442-day period overlaps. Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

to the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

Likewise, 37 CFR 1.703(f) provides that:

To the extent that periods of delay attributable to the grounds specified in §1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any

additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 54366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004).

The current wording of § 1.703(f) was revised in response to the misinterpretation of this provision by a number of Patentees. The rule was slightly revised to more closely track the corresponding language of 35 U.S.C. 154(b)(2)(A). The relevant portion differs only to the extent that the statute refers back to provisions of the statute whereas the rule refers back to sections of the rule. This was not a substantive change to the rule nor did it reflect a change of the Office's interpretation of 35 U.S.C. 154(b)(2)(A). As stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding 37 C.F.R. § 1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed. The grounds specified in these sections cover the A) guarantee of prompt Patent and Trademark Office responses, B) guarantee of no more than 3 year application pendency, and C) guarantee or adjustments for delays due to interference, secrecy orders and appeals. A section by section analysis of 35 U.S.C. 154(b)(2)(A) specifically provides that:

Section 4402 imposes limitations on restoration of term. In general, pursuant to [35 U.S.C.] 154(b)(2)(A)-(C), total adjustments granted for restorations under [35 U.S.C. 154](b)(1) are reduced as follows: (1) To the extent that there are multiple grounds for extending the term of a patent that may exist simultaneously (e.g., delay due to a secrecy order under [35 U.S.C.] 181 and administrative delay under [35 U.S.C.] 154(b)(1)(A)), the term should not be extended for each ground of delay but only for the actual number of days that the issuance of a patent was delayed; See 145 Cong. Rec. S14,718¹

As such, the period for over 3 year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames. In other words, consideration of the overlap does not begin three years after the filing date of the application.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the entire period during which the application was pending before the Office, February 11, 2005 to April 28, 2009. 205 days of patent term adjustment were accorded prior to the issuance of the patent for the Office failing to respond within specified time frames during the pendency of the application. All of the 442 days for Office delay in issuing the patent overlaps with the 205 days of Office delay. During that time, the issuance of the patent was delayed by 205 days, not $205 + 442 = 647$ days. Other than the periods of Office delay pursuant to 37 C.F.R. §§ 1.702(a)(1) and (4) which total 205 days, the Office took all actions set forth in 37 C.F.R. § 1.702(a) within the prescribed timeframes.

Nonetheless, given the initial 205 days of Office delay and the 212 days of applicant delay and the time allowed within the time frames for processing and examination, as of the date of issuance of this patent, the application was pending three years

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).

and 442 days. The Office did not delay 205 days and then an additional 442 days. Accordingly, 442 days of patent term adjustment (not 442 and 205 days) was properly entered since the entire period of delay of 442 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 205 days attributable to grounds specified in §§ 1.702(a)(1) and (4). Entry of both periods is not warranted. 442 days is determined to be the actual number of days that the issuance of the patent was delayed.

Accordingly, at issuance, the Office properly entered 237 additional days of patent term adjustment for the Office taking in excess of 3 years to issue the patent.

In view thereof, no adjustment to the patent term will be made.

Telephone inquiries specific to this matter should be directed to Paul Shanoski, Senior Attorney, at (571) 272-3225.

Christina T. Donnell for

Anthony Knight
Supervisor
Office of Petitions

STATUTE AND REGULATION

35 U.S.C. § 154(b) as amended by § 4402 of the American Inventors Protection Act of 1999² (AIPA) provides that:

ADJUSTMENT OF PATENT TERM. -

(1) PATENT TERM GUARANTEES. -

(A) GUARANTEE OF PROMPT PATENT AND TRADEMARK OFFICE RESPONSES. - Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the Patent and Trademark Office to -

(i) provide at least one of the notifications under section 132 of this title or a notice of allowance under section 151 of this title not later than 14 months after -

(I) the date on which an application was filed under section 111(a) of this title; or

(II) the date on which an international application fulfilled the requirements of section 371 of this title;

(ii) respond to a reply under section 132, or to an appeal taken under section 134, within 4 months after the date on which the reply was filed or the appeal was taken;

(iii) act on an application within 4 months after the date of a decision by the Board of Patent Appeals and Interferences under section 134 or 135 or a decision by a Federal court under section 141, 145, or 146 in a case in which allowable claims remain in the application; or

(iv) issue a patent within 4 months after the date on which the issue fee was paid under section 151 and all outstanding requirements were satisfied, the term of the patent shall be extended 1 day for each day after the end of the period specified in clause (i), (ii), (iii), or (iv), as the case may be, until the action described in such clause is taken.

(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY. - Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including -

² Public Law 106-113, 113 Stat. 1501, 1501A-557 through 1501A-560 (1999).

(i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

(ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or

(iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

(C) GUARANTEE OR ADJUSTMENTS FOR DELAYS DUE TO INTERFERENCES, SECRECY ORDERS, AND APPEALS. — Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to —

(i) a proceeding under section 135(a);

(ii) the imposition of an order under section 181;

or

(iii) appellate review by the Board of Patent Appeals and Interferences or by a Federal court in a case in which the patent was issued under a decision in the review reversing an adverse determination of patentability, the term of the patent shall be extended 1 day for each day of the pendency of the proceeding, order, or review, as the case may be.

(2) LIMITATIONS. —

(A) IN GENERAL. — To the extent that periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

The implementing regulation, 37 CFR § 1.702, provides grounds for adjustment of patent term due to examination delay under the Patent Term Guarantee Act of 1999 (original applications, other than designs, filed on or after May 29, 2000).

(a) Failure to take certain actions within specified time frames. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be

adjusted if the issuance of the patent was delayed due to the failure of the Office to:

(1) Mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 in an international application;

(2) Respond to a reply under 35 U.S.C. 132 or to an appeal taken under 35 U.S.C. 134 not later than four months after the date on which the reply was filed or the appeal was taken;

(b) Failure to issue a patent within three years of the actual filing date of the application. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including³:

In pertinent part, 37 CFR § 1.703 provides for calculation of the periods, as follows:

Period of adjustment of patent term due to examination delay.

(a) The period of adjustment under § 1.702(a) is the sum of the following periods:

(1) The number of days, if any, in the period beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first;

(b) The period of adjustment under § 1.702(b) is the number of days, if any, in the period beginning on the day

³ (1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);

(2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);

(3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;

(4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or

(5) Any delay in the processing of the application by the Office that was requested by the applicant.

after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the following periods⁴:

37 CFR 1.703(f) provides that:

The adjustment will run from the expiration date of the patent as set forth in 35 U.S.C. 154(a)(2). To the extent that periods of delay attributable to the grounds specified in §1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed. The term of a patent entitled to adjustment under § 1.702 and this section shall be adjusted for the sum of the periods calculated under paragraphs (a) through (e) of this section, to the extent that such periods are not overlapping, less the sum of the periods calculated under § 1.704. The date indicated on any certificate of mailing or transmission under § 1.8 shall not be taken into account in this calculation.

⁴ (1) The number of days, if any, in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued;

(2) (i) The number of days, if any, in the period beginning on the date an interference was declared or redeclared to involve the application in the interference and ending on the date that the interference was terminated with respect to the application; and (ii) The number of days, if any, in the period beginning on the date prosecution in the application was suspended by the Office due to interference proceedings under 35 U.S.C. 135(a) not involving the application and ending on the date of the termination of the suspension;

(3) (i) The number of days, if any, the application was maintained in a sealed condition under 35 U.S.C. 181; (ii) The number of days, if any, in the period beginning on the date of mailing of an examiner's answer under § 41.39 of this title in the application under secrecy order and ending on the date the secrecy order was removed; (iii) The number of days, if any, in the period beginning on the date applicant was notified that an interference would be declared but for the secrecy order and ending on the date the secrecy order was removed; and (iv) The number of days, if any, in the period beginning on the date of notification under § 5.3(c) of this chapter and ending on the date of mailing of the notice of allowance under 35 U.S.C. 151; and,

(4) The number of days, if any, in the period beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was filed under 35 U.S.C. 134 and § 41.31 of this title and ending on the date of the last decision by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 U.S.C. 141 or a civil action under 35 U.S.C. 145, or on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first, if the appeal did not result in a decision by the Board of Patent Appeals and Interferences.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAILED

Paper No.

MAR 18 2010
OFFICE OF PETITIONS

FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Patent No. 7,524,839 : DECISION ON REQUEST FOR
Caldirola et al. : RECONSIDERATION OF
Issue Date: April 28, 2009 : PATENT TERM ADJUSTMENT
Application No. 11/057,033 : and
Filed: February 11, 2005 : NOTICE OF INTENT TO ISSUE
Atty Docket No.: 13425-052002 : CERTIFICATE OF CORRECTION

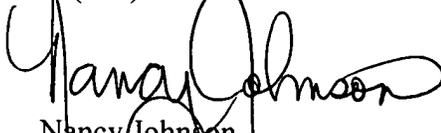
This is a decision on the petition filed on September 14, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by four hundred and twenty-two (422) 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 and twenty-two (422) days is **GRANTED**.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **four hundred and twenty-two (422) 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 : 7,524,839 B2

DATED : April 28, 2009

DRAFT

INVENTOR(S) : Caldirola 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 230 days

Delete the phrase "by 230 days" and insert -- by 422 days --



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

HICKMAN PALERMO TRUONG & BECKER/ORACLE
2055 GATEWAY PLACE
SUITE 550
SAN JOSE CA 95110-1089

Applicant: Kaluskar, et al.
Appl. No.: 11/057,043
Filing Date: February 11, 2005
Title: Suspension and Resuming of Sessions
Attorney Docket No.: 50277-2386
Pub. No.: 2006/0184535 A1
Pub. Date: August 17, 2006

COPY MAILED

SEP 12 2007

OFFICE OF PETITIONS

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 19, 2006 for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error because changes to the title in a preliminary amendment received on September 22, 2005 were not included in the publication.

37 CFR 1.221 (b) is applicable “only **when the Office makes a material mistake which is apparent from Office records** Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.” A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The error noted by requestor is not an Office error. The change in the title in the September 22, 2005 preliminary amendment was not part of the initial application filing. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment in the publication by the Office because patent application publications

¹Changes 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).

are not required to include preliminary amendments, according to 37 CFR 1.215(a),² which says the following, in part:

(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. Applicant did not file a substitute specification, which incorporated the preliminary amendment. See Pre-Grant Publication Helpful Hint: File Continuation or Divisional Application with a New Specification and Copy of Oath or Declaration from Prior Application, 1251 Off. Gaz. Pat. Office Notices 54 (Oct. 9, 2001). The Office correctly published the application in accordance with 37 CFR 1.215(a).

Furthermore, applicant is advised that a change in title in the instant case is not considered material. The interpretation or understanding of the application to one of ordinary skill in the art would not be affected by the title. See MPEP 1130.

The applicant is advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221(a). Such a request for republication “must include a copy of the application compliance with the Office’s electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in §

²Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan; Final Rule, 69 FR 56482 (Sept. 21, 2004).

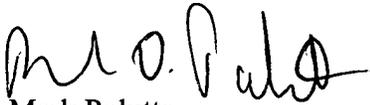
1.17(i).” If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system as a “Pre-Grant Publication” and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



KELLY LOWRY & KELLEY, LLP
6320 CANOGA AVENUE
SUITE 1650
WOODLAND HILLS CA 91367

COPY MAILED

AUG 16 2005

OFFICE OF PETITIONS

In re Application of	:	
Patterson et al.	:	DECISION REFUSING STATUS
Application No.11/057,044	:	UNDER 37 CFR 1.47(a)
Filed: February 10, 2005	:	
Attorney Docket No. HIJK-46974	:	
Title: PROCESS FOR CREATING AND	:	
PRINTING CUSTOMIZED DOCUMENT AT	:	
END USER COMPUTER AND PRINTER	:	

This is in response to the petition under 37 CFR § 1.47(a), filed June 30, 2005.

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 petition under 37 CFR. § 1.47(a) is **DISMISSED**.

The merits of the petition have not been reviewed because petitioner has failed to provide the appropriate petition fee. The petition fee is a prerequisite to review of the petition. The current petition fee is \$200.00. A review of the file shows while a fee transmittal form has been submitted with the application, a deposit account authorizing the Director to charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 has not been provided. Nor was the \$200.00 petition fee been provided.

Further correspondence with respect to this matter may be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
----------	--

By facsimile: (571) 273-8300

By delivery service:
FedEx, UPS, DHL, etc.)

U.S. Patent and Trademark Office
Customer Service Window,
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned (571) 272-3215.


Charlema R. Grant
Petitions Attorney
Office of Petitions



KELLY LOWRY & KELLEY, LLP
6320 CANOGA AVENUE
SUITE 1650
WOODLAND HILLS CA 91367

COPY MAILED

SEP 06 2005

OFFICE OF PETITIONS

In re Application of :
Dennis Patterson and Jamie Templeton : DECISION
Application No. 11/057,044 :
Filed: February 10, 2005 :
Attorney Docket No. HIJK-46974 :
Title of Invention: Process for Creating and :
Printing Customized Document at End User :
Computer and Printer :

This is in response to the renewed petition under 37 CFR 1.47(a) filed August 24, 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).

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
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

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Mail Date: 04/21/2010

Applicant	: Frank van Diggelen	: DECISION ON REQUEST FOR
Patent Number	: 7595752	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/057,060	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

DYKAS, SHAVER & NIPPER, LLP
P.O. BOX 877
BOISE, ID 83701-0877

Mail Date: 04/20/2010

Applicant	: Michael Lowe	: DECISION ON REQUEST FOR
Patent Number	: 7644845	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/057,073	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1007** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



DAVIS WRIGHT TREMAINE, LLP
2600 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE, WA 98101-1688

COPY MAILED

JAN 25 2006

OFFICE OF PETITIONS

In re Application of	:	
Simon Nicholas Richmond and Liu Zihui	:	
Application No. 11/057,077	:	DECISION REFUSING STATUS
Filed: February 11, 2005	:	UNDER 37 CFR 1.47(a)
Title: LIGHT DEVICE	:	

This is in response to the "Petition Under 37 CFR 1.47(a)," filed January 9, 2006.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(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 February 11, 2005 without an executed oath or declaration and naming Simon Nicholas Richmond and Liu Zihui as joint inventors.

Accordingly, on June 8, 2005, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration and filing fees, and a surcharge for their late filing.

In response, on January 9, 2006, the instant petition and a five (5) month extension of time were filed.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration;
- (3) the petition fee; and

(4) a statement of the last known address of the non-signing inventor.

Applicant lacks item (2), as set forth above.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The declaration submitted January 9, 2006, does not set forth the citizenship of the non-signing inventor. An oath or declaration in compliance with 37 CFR 1.63 and 1.64 is REQUIRED. See MPEP 409.03(a).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 Box 1450
 Alexandria, VA 22313

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3228.



Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DAVIS WRIGHT TREMAINE, LLP
2600 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE, WA 98101-1688

COPY MAILED

APR 06 2006

OFFICE OF PETITIONS

In re Application of :
Simon Nicholas Richmond and Liu Zihui :
Application No. 11/057,077 : **DECISION GRANTING PETITION**
Filed: February 11, 2005 : **UNDER 37 CFR 1.47(a)**
For: LIGHT DEVICE :

This is in response to the "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," filed March 23, 2006.

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 2800 for examination *in due course*.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LIU ZIHUI
ROOM 201, YONGFU ROAD
GUANGZHOU, GUANGDONG
CHINA

COPY MAILED

APR 06 2006

OFFICE OF PETITIONS

In re Application of
Simon Nicholas Richmond and Liu Zihui
Application No. 11/057,077
Filed: February 11, 2005
For: LIGHT DEVICE

Dear LIU ZIHUI:

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

DAVIS WRIGHT TREMAINE, LLP
2600 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE, WA 98101-1688



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

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 05/03/2010

Applicant : Larry Eugene West : DECISION ON REQUEST FOR
Patent Number : 7635586 : RECALCULATION of PATENT
Issue Date : 12/22/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/057,079 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/10/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1199** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Gauthier & Connors LLP
Suite 3300
225 Franklin Street
Boston MA 02110

COPY MAILED

APR 18 2007

In re Application of :
James Winkelman et al. :
Application No. 11/057,095 :
Filed: February 11, 2005 :
Attorney Docket No. 7053-1 :

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 17, 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 Missing Parts of Nonprovisional Application (Notice), mailed June 9, 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 application became abandoned on August 10, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the oath and the required fee; (2) the petition fee of \$750; and (3) an adequate statement of unintentional delay.

The statutory basic filing fee of \$150 was also required according to the Notice to File Missing Parts mailed June 9, 2005. The statutory basic filing fee of \$150 is being charged to your Deposit Account 19-0079 as authorized.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

The application file is being referred to the Office of Initial Patent Examination for appropriate action.

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

Knobbe, Martens, Olson & Bear LLP
2040 Main Street
14th Floor
Irvine, CA 92614

Mail Date: 04/21/2010

Applicant	: Matt G. Goodman	: DECISION ON REQUEST FOR
Patent Number	: 7648579	: RECALCULATION OF PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/057,111	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **204** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

COPY MAILED

DEC 24 2008

In re Patent No. 7,386,145 :
Issue Date: June 10, 2008 :
Application No. 11/057,133 : **ON PETITION**
Filed: February 15, 2005 :
Attorney Docket No. 1163-0402PUS2 :

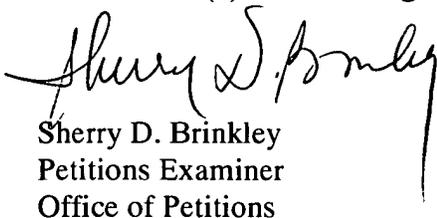
This is a decision on the petition filed September 3, 2008, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

It is noted that petitioner overpaid the requisite surcharge for treatment of the present petition by \$270. Therefore, \$270 is being credited to counsel's deposit account.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED

MAR 26 2010

OFFICE OF PETITIONS

In re Patent of Woll	:	DECISION ON REQUEST
Patent No. 7,596,542	:	FOR RECONSIDERATION OF
Issue Date: September 29, 2009	:	PATENT TERM ADJUSTMENT
Application No. 11/057,163	:	AND NOTICE OF INTENT TO
Filing Date: February 15, 2005	:	ISSUE CERTIFICATE OF
Attorney Docket No. 05692.0019-00	:	CORRECTION

This is a decision on the petition filed on September 30, 2009, which is being treated as a petition under 37 C.F.R. § 1.705(d) requesting the patent term adjustment indicated on the patent be corrected to indicate that the term of the patent is extended or adjusted by six hundred sixty-seven (667) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate the term of the above-identified patent is extended or adjusted by six hundred sixty-seven (667) 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 period of delay under 35 U.S.C. § 154(b)(1)(B), the over three year period began on February 16, 2008, and ended on November 20, 2008, *the day before* the RCE was filed, and is 279 (not 28) days. *See* 35 U.S.C. § 154(b)(1)(B)(i). As such, the patent term adjustment is 666 days, not 667 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 C.F.R. § 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentee is 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 37 C.F.R. § 1.136.

The Office acknowledges submission of the \$200.00 fee set forth in 37 C.F.R. § 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 patent is extended or adjusted by **six hundred sixty-six (666) days**.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'Anthony Knight', is written over the typed name.

Anthony Knight
Supervisor
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,596,542 B2
ISSUE DATE : September 29, 2009
INVENTOR(S) : Woll

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 U.S.C .154(b) by 387 days.

Delete the phrase "by 387" and insert - by 666 days--



US007596542B1

(12) **United States Patent**
Woll

(10) **Patent No.:** US 7,596,542 B1
(45) **Date of Patent:** Sep. 29, 2009

(54) **SYSTEMS AND METHODS FOR CREATING GEOGRAPHIC CONNECTION MATRICES**

6,223,164 B1 4/2001 Seare et al.
2005/0262062 A1* 11/2005 Xia 707/3

(75) **Inventor:** Richard G. Woll, Livermore, CA (US)

FOREIGN PATENT DOCUMENTS

EP 1092950 A1 * 4/2001

(73) **Assignee:** Allstate Insurance Company, Northbrook, IL (US)

OTHER PUBLICATIONS

(*) **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 387 days.

United States Postal Service, "National Zone Chart Pogroom, Technical Guide 2003-2004", May 2003, pp. 19-21.*
U.S. Appl. No. 11/057,162, entitled "Systems and Methods for Determining Territorial Rates," filed Feb. 15, 2005.

(21) **Appl. No.:** 11/057,163

* cited by examiner

(22) **Filed:** Feb. 15, 2005

Primary Examiner—John E Breene

Assistant Examiner—Hares Jami

(74) *Attorney, Agent, or Firm*—Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.

Related U.S. Application Data

(60) Provisional application No. 60/573,928, filed on May 25, 2004, provisional application No. 60/573,925, filed on May 25, 2004.

(57) **ABSTRACT**

ZIP code connection matrices are created for use in insurance ratemaking by identifying common borders of geographically defined regions. ZIP codes and associated cartographic boundaries are read from a database. Pairs of coordinates for the boundaries are stored in a matrix and values are calculated that represent each pair of coordinates in the matrix. The calculated values are stored in an encoded coordinates matrix and used to determine common segments. A connection matrix is formed representing connections among ZIP codes. A neighborhood matrix is then calculated, which stores values that represent an indication of closeness of each ZIP code in the neighborhood matrix to a target ZIP code.

(51) **Int. Cl.**
G06F 7/00 (2006.01)
G06F 17/30 (2006.01)

(52) **U.S. Cl.** 707/1; 707/10; 707/100; 707/102; 707/104.1; 707/200; 701/200

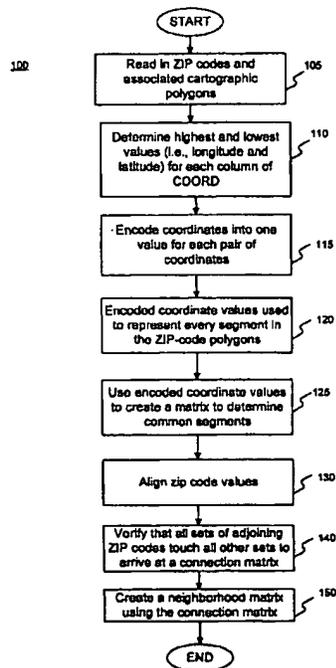
(58) **Field of Classification Search** 707/1, 707/10, 100-102, 104.1, 200; 701/200
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

5,796,634 A * 8/1998 Craport et al. 702/150

27 Claims, 8 Drawing Sheets





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

WHITE-WELKER & WELKER, LLC
P.O. BOX 199
CLEAR SPRING, MD 21722-0199

COPY MAILED

APR 18 2007

OFFICE OF PETITIONS

In re Application of	:	
Rolland c. Santa Ana	:	
Application No. 11/057,187	:	DECISION ON PETITION
Filed: February 15, 2005	:	TO WITHDRAW
Attorney Docket No.	:	FROM RECORD
	:	

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 21, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to the attorneys/agents associated with White-Welker & Welker, LLC has been revoked by the applicant of the patent application on November 7, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Blankenship Law, PLLC**
2815 Hartland Road
Suite 120
Falls Church, VA 22043



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

JUN 05 2008

OFFICE OF PETITIONS

General Counsel, P.C.
6862 Elm Street
SUITE 800
McLean, VA 22101

In re Application of :
Roland C. Santa Ana :
Application No. 11/057,187 : DECISION ON PETITION
Filed: February 15, 2005 :
Attorney Docket No. N/A :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on June 29, 2007, to revive the above-identified application.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment with a substitute specification and replacement drawings; (2) the petition fee of \$750; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

This application file is being referred to the Office of Patent Application Processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Keith Blankenship
2815 Hartland Road, Suite 120
Falls Church, VA 22043



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

ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

COPY MAILED

MAY 16 2007

OFFICE OF PETITIONS

In re Application of :
Ravi Ganesan, et al :
Application No. 11/057,233 :
Filed: February 15, 2005 :
Attorney Docket No. 23952-0043 :

**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 24, 2005.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney given to Antonelli, Terry, Stout & Kraus, LLP has been revoked by the assignee of the patent application on November 23, 2005. 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 first copied address indicated below.

There are no pending Office actions at the present time.

Telephone inquires concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April M. Wise
April Wise
Petitions Examiner
Office of Petitions

cc: MR. HANS DREYER DIRECTOR
INTELLECTUAL PROPERTY
(LEGAL DEPARTMENT)
CHECK FREE CORPORATION
6000 PERIMETER DRIVE
DUBLIN, OH 43017-3233



**MOORE LANDREY
1609 SHOAL CREEK BLVD
AUSTIN TX 78701**

COPY MAILED

APR 21 2008

OFFICE OF PETITIONS

In re Application of	:	
David A. MONROE	:	
Application No. 11/057,264	:	DECISION ON PETITION
Filed: 2/14/2005	:	
Attorney Docket No. 07-0153	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed 1/3/2008, 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 1/2/2008, as required by the Notice of Allowance and Fee(s) Due, mailed 10/1/2007. Accordingly, the date of abandonment of this application is 1/3/2008.

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 \$1440 and the publication fee of \$300, (2) the petition fee of \$1540; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Quyen Leung at (571) 272-6051 or, in her absence, the undersigned at (571) 272-7099.

This application is being referred to Publishing Division for processing into a patent.

for David A. Bucci
Petitions Examiner
Office of Petitions



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

MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO CA 94304-1018

COPY MAILED

AUG 25 2009

OFFICE OF PETITIONS

In re Application of	:	
George A. SALIBA	:	
Application No. 11/057,298	:	DECISION ON PETITION
Filed: February 10, 2005	:	TO WITHDRAW
Attorney Docket No. 249212029900	:	FROM RECORD
	:	

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 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 Christopher B. Eide on behalf of the attorneys of record associated with Customer Number 25226.

The attorneys of record associated with Customer Number 25226 have been withdrawn.

The applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the first named signing inventor at the address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/Diane Goodwyn/
Petitions Examiner
Office of Petitions

cc: GEORGE A. SALIBA
109 HOWARD STREET,
NORTHBOROUGH, MA 01532-1316



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
11/057,298	02/10/2005	George A. Saliba	249212029900

25226
MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

CONFIRMATION NO. 1731
POWER OF ATTORNEY NOTICE



Date Mailed: 08/21/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/28/2009.

- 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



TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

COPY MAILED

MAY 23 2008

OFFICE OF PETITIONS

In re Application of Palus :
Application No. 11/057,301 : Decision on Petition
Filing Date: February 11, 2005 :
Attorney Docket No. TI-37853 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 4, 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 April 5, 2007, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on July 6, 2007. A Notice of Abandonment was issued December 26, 2007.

The instant petition requests revival of the application.

Petitioner has submitted the required petition fee of \$1,540. Petitioner has submitted a reply to the non-final Office action in the form of an amendment and remarks. Petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

Technology Center Art Unit 2183 will be informed of the instant decision and the application will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



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

GOOGLE / FENWICK
SILICON VALLEY CENTER
801 CALIFORNIA ST.
MOUNTAIN VIEW, CA 94041

Mail Date: 04/26/2010

Applicant : Johann Tomas Sigurdsson : DECISION ON REQUEST FOR
Patent Number : 7644416 : RECALCULATION of PATENT
Issue Date : 01/05/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/057,322 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/10/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1366** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



**PATENT LAW OFFICE OF DAVID G. BECK
P. O. BOX 1146
MILL VALLEY CA 94942**

COPY MAILED

JUN 13 2007

OFFICE OF PETITIONS

In re Application of	:	
TESSIEN, Ross A.	:	
Application No. 11/057,347	:	DECISION ON PETITION
Filed: February 14, 2005	:	TO WITHDRAW
Attorney Docket No. IMP021CP	:	FROM RECORD
	:	

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 20, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by David G. Beck, the sole attorney of record. The undersigned attorney has 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 Ross A. Tessien at the address indicated below.

There are no outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Terri Williams
Terri Williams
Petitions Examiner
Office of Petitions

cc: **ROSS TESSIEN c/o IMPULSE DEVICES, INC.
13366 GRASS VALLEY AVE., UNIT H
GRASS VALLEY, CA 95945**


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
11/057,347	02/14/2005	Ross Alan Tessien	IMP021CP

45147
 PATENT LAW OFFICE OF DAVID G. BECK
 P. O. BOX 1146
 MILL VALLEY, CA 94942

CONFIRMATION NO. 5095



OC000000024303155

Date Mailed: 06/11/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/20/2007.

- 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.

Michelle R. Edison

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
 OFFICE 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
11/057,347	02/14/2005	Ross Alan Tessien	IMP021CP

 45147
 PATENT LAW OFFICE OF DAVID G. BECK
 P. O. BOX 1146
 MILL VALLEY, CA 94942

CONFIRMATION NO. 5095


OC000000024303155

Date Mailed: 06/11/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/20/2007.

- 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



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



Bib Data Sheet

CONFIRMATION NO. 5095

SERIAL NUMBER 11/057,347	FILING OR 371(c) DATE 02/14/2005 RULE	CLASS 415	GROUP ART UNIT 1764	ATTORNEY DOCKET NO.
------------------------------------	---	---------------------	-------------------------------	----------------------------

APPLICANTS
 Ross Alan Tessien, Grass Valley, CA;

**** CONTINUING DATA *******
 This application is a CIP of 11/038,344 01/18/2005

**** FOREIGN APPLICATIONS *******

**** SMALL ENTITY ****

Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no	STATE OR COUNTRY CA	SHEETS DRAWING 11	TOTAL CLAIMS 19	INDEPENDENT CLAIMS 1
35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance				
Verified and Acknowledged	Examiner's Signature	Initials		

ADDRESS
 ROSS TESSIEN
 c/o IMPULSE DEVICES, INC.
 13366 GRASS VALLEY AVE.
 UNIT H
 GRASS VALLEY, CA95945

TITLE
 Magnetic fluid rotation system for a cavitation chamber

FILING FEE RECEIVED 500	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees
		<input type="checkbox"/> 1.16 Fees (Filing)
		<input type="checkbox"/> 1.17 Fees (Processing Ext. of time)
		<input type="checkbox"/> 1.18 Fees (Issue)
		<input type="checkbox"/> Other _____
		<input type="checkbox"/> Credit



**MAYNARD COOPER & GALE, PC
1901 SIXTH AVENUE NORTH
2400 REGIONS/HARBERT PLAZA
BIRMINGHAM AL 35203-2618**

COPY MAILED

AUG 08 2008

In re Application of :
Ross Alan TESSIEN :
Application No. 11/057,347 : **DECISION ON PETITION**
Filed: February 14, 2005 :
Attorney Docket No. 12259-1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 31, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 06, 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 December 07, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$770.00; and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of September 06, 2007 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

The application file is being referred to Technology Center AU 1797 for appropriate action on the concurrently filed amendment.

Michelle R. Eason
Paralegal Specialist
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

COPY MAILED

OCT 16 2006

OFFICE OF PETITIONS

In re Application of :
Osman Rathore et al :
Application No. 11/057,363 : DECISION ON PETITION
Filed: February 14, 2005 : UNDER 37 CFR 1.137(b)
Attorney Docket No. VTN5045NP :

This is a decision on the petition under 37 CFR 1.137(b), filed January 24, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed April 26, 2005. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on June 27, 2005.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d) (a terminal disclaimer is not required in this

case). 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).

This petition lacks items (1) above. In this regard, the Notice of April 26, 2005 required the submission of an executed oath or declaration and a \$130 surcharge for its late filing. While the executed declaration has been received, there is no indication that the \$130 surcharge fee was ever received or otherwise authorized to be charged to a deposit account or credit card. If, in fact, the fee was authorized, this paper unfortunately is not in the file record. Accordingly, before revival of this application can be effected, the \$130 surcharge must be submitted, along with a renewed petition under 37 CFR 1.137(b), as noted above.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3218.


Frances Hicks
Petitions Examiner
Office of Petitions



PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

COPY MAILED

JUN 04 2007

OFFICE OF PETITIONS

In re Application of :
Osman Rathore et al :
Application No. 11/057,363 : DECISION ON PETITION
Filed: February 14, 2005 :
Attorney Docket No. VTN5045NP :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 23, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed April 26, 2005. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 27, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the items required by the Notice of April 26, 2005, (2) the petition fee of \$1,500, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the Notice of April 26, 2005 is accepted as having been unintentionally delayed.

It is noted that the Declaration and Power of Attorney sets forth the inventors on separate pages. It is further noted that the Declaration improperly numbers the inventors; namely, there are two second named inventors, which resulted in a misnumbering of the inventors. The Declaration indicates there are six inventors, where in fact seven inventors have signed the Declaration. Petitioner's attention is directed to MPEP Section 602, which states:

"Where joint inventors execute separate oaths or declarations, each oath or declaration should make reference to the fact that the affiant is a joint inventor together with each of the other joint inventors indicating them by name. This may be done by stating that he or she does verily believe himself or herself to be the original, first and joint inventor together with 'A' or 'A & B, etc."

Petitioner should submit a Declaration which properly sets forth the numbering of the inventors and which references each joint inventor, as set out above, or at such time as required by the Examiner.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 273-3218.

This application is being referred to the Office of Initial Patent Examination for appropriate pre-examination processing in accordance with this decision.


Frances Hicks
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 07/15/09

TO SPE OF : ART UNIT 2873

SUBJECT : Request for Certificate of Correction for Appl. No.: 11057392 Patent No.: 7355780 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 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.

- | | |
|---|---|
| <input checked="" type="checkbox"/> Approved | All changes apply. |
| <input type="checkbox"/> Approved in Part | Specify below which changes do not apply. |
| <input type="checkbox"/> Denied | State the reasons for denial below. |

Comments: _____

**/Ricky Mack/
SPE**

2873
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

K&L Gates LLP
P.O. Box 1135
CHICAGO, IL 60690

Mail Date: 04/20/2010

Applicant	: Kathleen Nylund Jackson	: DECISION ON REQUEST FOR
Patent Number	: 7601061	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/057,393	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/11/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **363** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



TERRANCE A. MEADOR
INCAPLAW1050
SUITE K
1050 ROSECRANS STREET
SAN DIEGO CA 92106

COPY MAILED

JUN 21 2007

OFFICE OF PETITIONS

In re Application of :
Mark T. Bieberich :
Application No. 11/057,396 : DECISION ON PETITION
Filed: February 11, 2005 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. **AUGF06000002** :

This is a decision on the petition under 37 CFR 1.78(a)(3) filed November 20, 2006, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of prior-filed non-provisional application 10/895,672.

This petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The instant petition claims priority to a prior-filed application and relies on an amendment filed November 4, 2005. The November 4, 2005 amendment however, as drafted, is unacceptable and, therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i). The status of each nonprovisional parent application (if it is patented or abandoned) should be indicated, following the filing date of the parent nonprovisional application. See MPEP Section 201.11, Reference to Prior

Nonprovisional Applications. In this regard, the amendment states that the parent application is "co-pending" when in fact, the prior filed application became abandoned October 28, 2005.

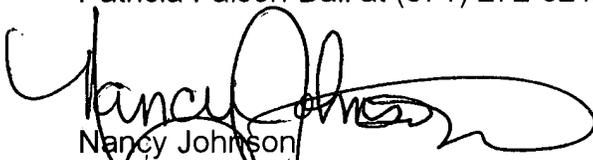
Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either a Supplemental Application Data Sheet (signed in compliance with 37 CFR 1.33(b) and 37 CFR 1.76) or a substitute amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By fax: (571) 273-8300
 ATTN: Office of Petitions

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.


Nancy Johnson
Senior Petitions Attorney
Office of Petitions



TERRANCE A. MEADOR
INCAPLAW1050
SUITE K
1050 ROSECRANS STREET
SAN DIEGO CA 92106

COPY MAILED

JUN 22 2007

OFFICE OF PETITIONS

In re Application of
Mark T. Bieberich
Application No. 11/057,396
Filed: February 11, 2005
Attorney Docket No. **AUGF06000002**

:
:
: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)
:

CORRECTED DECISION¹

This is a decision on the petition under 37 CFR 1.78(a)(3) filed November 20, 2006, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of prior-filed non-provisional application 10/895,672.

This 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.

¹This corrected decision replaces the decision mailed June 21, 2007. The decision was correct in stating that the status of each nonprovisional parent application (if it is patented or abandoned) should be indicated, however, it has been determined that the petition will not be dismissed solely on that basis.

The instant petition claims priority to a prior-filed application and relies on an amendment filed November 4, 2005.

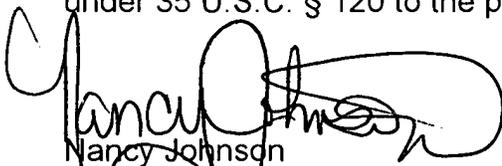
All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3739 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.


Nancy Johnson
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt


UNITED STATES PATENT AND TRADEMARK OFFICE

 UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
11/057,396	02/11/2005	3739	1140	AUGF06000002	26	4

CONFIRMATION NO. 9593
CORRECTED FILING RECEIPT


OC000000024492965

 Terrance A. Meador
 INCAPLAW1050
 Suite K
 1050 Rosecrans Street
 San Diego, CA 92106

Date Mailed: 06/22/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Mark T. Bieberich, Minnetonka, MN;

Power of Attorney:

Terrance Meador-30298

Domestic Priority data as claimed by applicant

This application is a CIP of 10/895,672 07/21/2004 ABN

Foreign Applications

UNITED STATES OF AMERICA PCT/US03/11128 04/10/2003

If Required, Foreign Filing License Granted: 03/12/2005
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/057,396**
Projected Publication Date: Not Applicable
Non-Publication Request: No
Early Publication Request: No

**** SMALL ENTITY ******Title**

Perioperative warming device

Preliminary Class

607

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35.U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Mail Date: 04/20/2010

Applicant	: Chester B. Whitley	: DECISION ON REQUEST FOR
Patent Number	: 7592321	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/057,410	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **240** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



NIELDS & LEMACK
176 E MAIN STREET
SUITE #5
WESTBORO MA 01581

COPY MAILED

DEC 04 2008

OFFICE OF PETITIONS

In re Application of :
Jager, et al. :
Application No. 11/057,430 : ON PETITION
Filed: February 14, 2005 :
Attorney Docket No. 687P001 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed November 3, 2008.

The petition under 37 CFR 1.181 is **GRANTED**.

The application was held abandoned due to failure to timely file a reply to the non-final Office action mailed April 16, 2008. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on July 17, 2008. The Office mailed a Notice of Abandonment on November 6, 2008.

To establish nonreceipt of an Office action, a petitioner must:
1) include a statement that the Office action was not received;
2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and 3)
include a copy of the docket record where the nonreceived Office action would have been entered had it been received and

docketed.¹ A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."² "For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket record showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted..."³

With the instant petition, petitioner has submitted a copy of a master docket report, showing all of his replies docketed for the due date of July 16, 2008. An entry for the instant application is absent, supporting the conclusion that the July 16, 2008 Office action was not received. In addition, petitioner has stated that the Office action was not received, and attested to the fact that he searched the file jacket and docket records.

The matter is being forwarded to Group Art Unit 2178 for re-mailing of the July 16, 2008 Office action, setting a new period for reply.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

¹ See MPEP 711.03(c)(II).

² MPEP 711.03(c)(II) (emphasis added).

³ Id.



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

**HODGSON RUSS LLP
ONE M & T PLAZA
SUITE 2000
BUFFALO NY 14203-2391**

COPY MAILED

AUG 30 2005

OFFICE OF PETITIONS

In re Application of :
Hu et al. :
Application No. 11/057,437 : **ON PETITION**
Filed: February 14, 2005 :
Attorney Docket No. 11520.0404 :

This is a decision on the petition under 37 CFR 1.182, filed June 24, 2005, to change the order of the names of the inventors.

The petition is **GRANTED**.

The order of the names of the inventors will be changed as follows:

1. Yun Hang Hu
2. Eli Ruckenstein

Petitioner submitted \$130.00 for payment of the petition fee. However, the petition fee is \$400.00. Accordingly, an additional \$270.00 was charged to petitioner's deposit account as authorized.

A Corrected Filing Receipt, reflecting the change in the order of the inventors, was previously mailed on July 1, 2005.

This matter is now being referred to Technology Center 1700 for examination in due course.

Telephone inquiries should be directed to Paralegal Liana Chase at (571) 272-3282.


Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



**BAKER BOTTS
PATENT DEPARTMENT
98 SAN JACINTO BLVD., SUITE 1500
AUSTIN, TX 78701-4039**

COPY MAILED

OCT 03 2005

OFFICE OF PETITIONS

In re Application of
Mark B. Lyles
Application No. 11/057,440
Filed: February 14, 2005
Attorney Docket No. 068986.0120

:
:DECISION ON PETITIONS
:UNDER 37 CFR 1.78(a)(3)
:AND 37 CFR 1.78(a)(6)
:

This is a decision on the petition filed June 16, 2005, which is being treated as a petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of the prior-filed nonprovisional and provisional application set forth in the concurrently filed amendment.

The petition is **DISMISSED AS MOOT**.

A petition 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.

Along with the instant petition under 37 CFR §§ 1.78(a)(3) and 1.76(a)(6), 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 February 14, 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) and 1.78(a)(6) 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) and 1.78(a)(5)(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) and 1.78(a)(6).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.

In view of the above, petitioner may request a refund of the petition fee (\$1370) by writing to the Office of Finance, Refund Section. A copy of this decision should accompany petitioner's request.

Any questions concerning this decision on petition 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 the Examiner of Technology Center AU 1623 for appropriate action on the amendment filed June 16, 2005, including consideration of the claim under 35 U.S.C. § 120 and 37 CFR 1.78(a)(2) and the claim under 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5) for benefit of the prior-filed applications.



Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy¹

¹ Note MPEP 201.11 (III)(D) , pages 200-59 and 200-60 (Rev. 2. May 2004) and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.



August 2005

ROBERT W PITTS
P.O. BOX 11483
WINSTON-SALEM, NC 27116-1483

SEP 01 2005

In re Application of:	:	
TODD BAKER ET AL.	:	
Serial No.: 11/057,448	:	DECISION ON PETITION TO
Filed: 14 February 2005	:	MAKE SPECIAL UNDER
Docket: 05004	:	37 C.F.R. § 1.102(d)
Title: TACKLE AND STORAGE BOX WITH	:	[INFRINGEMENT]
ROTATABLE LIGHT	:	

This is a decision on the petition filed on February 14, 2005, to make the above-identified application special under the procedure set forth in MPEP § 708.02(II) or (VIII) in accordance with 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

In support of the petition, the petition provides the requisite fee, a copy of the references deemed most closely related to the subject matter encompassed by the claims, and a statement by the applicant through his attorney.

For an application to be made special under MPEP § 708.02(II) in accordance with 37 C.F.R. § 1.102(d), a petition must include the requisite petition fee, a copy of the references deemed most closely related to the subject matter encompassed by the claims, and a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office alleging:

- (A) That there is an infringing device of 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 good knowledge of the pertinent prior art.

The requirements of MPEP § 708.02(II) are considered to have been met. Therefore, the alternative grounds under MPEP § 708.02(VIII) presented in the petition will not be considered.

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.

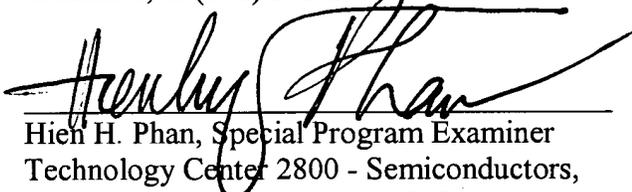
The application file is being forwarded to the examiner for expedited prosecution.

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



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

**WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE, 46TH FLOOR
1650 MARKET STREET
PHILADELPHIA PA 19103**

**COPY MAILED
JUL 03 2006
OFFICE OF PETITIONS**

In re Application of :
Silver et al. : **DECISION ON PETITION**
Application No. 11/057,465 : **TO WITHDRAW**
Filed: February 14, 2005 : **FROM RECORD**
Attorney Docket No. BELL-0351/01382 CIP :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.136(b), filed August 9, 2005.

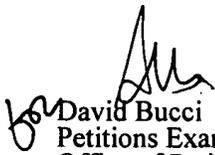
The request is **APPROVED**.

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 Jonathan M. Waldman on behalf of all the attorneys of record who are associated with Customer Number 38952. All attorneys/agents associated with Customer Number 38952 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named inventor; or (2) the assignee of the entire interest. All future communications from the Office will continue to be directed to the first named inventor at the first below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to Petitions Examiner Liana Chase at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.


David Bucci
Petitions Examiner
Office of Petitions

Cc:

EDWARD M. SILVER
1305 UNIVERSITY DRIVE
ATLANTA, GA 30306

POTOMAC PATENT GROUP, PLLC
P.O. BOX 270
FREDERICKSBURG, VA 22404



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Howard IP Law Group
P.O. Box 226
Fort Washington, PA 19034

COPY MAILED

JUL 23 2008

In re Application of :
David Vilkomerson, et al. :
Application No. 11/057,513 : **DECISION ON PETITION**
Filed: February 14, 2005 : **TO WITHDRAW**
Attorney Docket No. DVX-4-US : **FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 29, 2008.

The request is **NOT APPROVED** because it is 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 21, 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 inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Terri Williams
Petitions Examiner
Office of Petitions

cc: **The Plevy Law Firm**
10 Rutgers Place
Trenton, NJ 08616



JGJr: 04-06

Paper No: ___

WOMBLE CARLYLE
SANDRIDGE & RICE, PLLC
ATTN: PATENT DOCKETING 32ND FLOOR
P.O. BOX 7037
ATLANTA GA 30357-0037

COPY MAILED

MAY 30 2006

OFFICE OF PETITIONS

In re Application of
Pylkki, et al. :
Application No. 11/057,519 : **ON PETITION**
Filed: 14 February, 2005 :
Attorney Docket No.: A202 1441.6 :

This is a decision on the petition filed (with fee) on 3 March, 2006, to expunge a document from the file and considered under 37 C.F.R. §1.59.¹

The petition under 37 C.F.R. §1.59 is **DISMISSED**.

The instant application was filed on 14 February, 2005, and thereafter Petitioner filed a series of

¹ The regulations at 37 C.F.R. §1.58 provide:

§1.59 Expungement of information or copy of papers in application file.

(a)(1) Information in an application will not be expunged and returned, except as provided in paragraph (b) of this section. See §1.618 for return of unauthorized and improper papers in interferences.

(2) Information forming part of the original disclosure (*i.e.*, written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§1.63 and 1.175) will not be expunged from the application file.

(b) An applicant may request that the Office expunge and return information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge and return information from an application must include the fee set forth in § 1.17(h) and establish to the satisfaction of the Commissioner that the return of the information is appropriate.

(c) Upon request by an applicant and payment of the fee specified in §1.19(b), the Office will furnish copies of an application, unless the application has been disposed of (see §1.53(e),(f) and (g)). The Office cannot provide or certify copies of an application that has been disposed of.

[48 FR 2710, Jan. 20, 1983, effective Feb. 27, 1983; 49 FR 554, Jan. 4, 1984, effective Apr. 1, 1984; 49 FR 48416, Dec. 12, 1984, effective Feb. 11, 1985; 50 FR 23123, May 31, 1985, effective Feb. 11, 1985; revised, 60 FR 20195, Apr. 25, 1995, effective June 8, 1995; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (b) revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000]

Information Disclosure Statements (generally filed on Form PTO/SB/08A/B, in lieu of PTO Form 1449A) (IDS), with the most recent having been deposited by Petitioner with the Office on 16 February, 2006.

Petitioner wishes to remove the copy reference identified as 314 on sheet 22 of 23 of the Supplemental IDS deposited of record on 16 February, 2006.

However, what Petitioner seeks constitutes the alteration of part of a document, which is not an action subject of 37 C.F.R. §1.59.

Petitioner may alternatively submit a substitute of the PTO/SB/08A/B to be substituted and considered by the Examiner in the place of the document deposited on 16 February, 2006.

For this purpose, Petitioner is given one (1) month, which period is *not* extendable under the provisions of 37 C.F.R. §1.136, and in no case less than 30 days within which to file this replacement document, which the Examiner may substitute for the IDS containing the improvident reference and then consider in due course.

The instant application is released to Technology Center 3600 to await for one (1) month, and in no case less than 30 days, from the mail date of this decision for the Petitioner to submit the filing described above before further processing in due course.

Telephone inquiries regarding 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

BRADLEY ARANT ROSE & WHITE LLP
200 CLINTON AVE. WEST
SUITE 900
HUNTSVILLE AL 35801

COPY MAILED

APR 06 2006

OFFICE OF PETITIONS

In re Application of :
Okuniewicz, Douglas M. :
Application No. 11/057,529 : **ON PETITION**
Filed: February 14, 2005 :
Attorney Docket No. A9568-72768G :

This is a decision on the petition under 37 CFR §1.102(d), filed March 9, 2006 to make the above-identified application special. The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in M.P.E.P. § 708.02, Section II: Infringement.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

- (A) That there is an infringing device or product actually on the market or method in use;
- (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
- (C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition complies with all the above stated requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Petitions Examiner Liana Chase at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3713 for expedited prosecution.


David Bucci
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BRADLEY ARANT ROSE & WHITE LLP
200 CLINTON AVE. WEST
SUITE 900
HUNTSVILLE AL 35801

COPY MAILED
APR 06 2006
OFFICE OF PETITIONS

In re Application of :
Okuniewicz, Douglas M. :
Application No. 11/057,530 : **ON PETITION**
Filed: February 14, 2005 :
Attorney Docket No. A9568-72768G :

This is a decision on the petition under 37 CFR §1.102(d), filed March 9, 2006 to make the above-identified application special. The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in M.P.E.P. § 708.02, Section II: Infringement.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

- (A) That there is an infringing device or product actually on the market or method in use;
- (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
- (C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition complies with all the above stated requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Petitions Examiner Liana Chase at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3714 for expedited prosecution.


David Bucci
Petitions Examiner
Office of Petitions



BRADLEY ARANT ROSE & WHITE
200 CLINTON AVE. WEST
SUITE 900
HUNTSVILLE, AL 35801

COPY MAILED

APR 24 2006

OFFICE OF PETITIONS

In re Application of	:	
Douglas M. Okuniewicz	:	
Application No. 11/057,531	:	DECISION ON PETITION
Filed: February 14, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. A9658-72768 E	:	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.

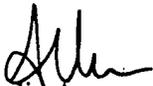
Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition complies with all the above stated requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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



LSI LOGIC CORPORATION
1621 BARBER LANE
MS: D-106
MILPITAS CA 95035

COPY MAILED

JUN 02 2005

OFFICE OF PETITIONS

In re Application of :
Joseph E. Mayes et al. :
Application No. 11/057,548 : DECISION ACCORDING STATUS
Filed: February 14, 2005 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 04-1669 :

This is in response to the petition filed February 14, 2005 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on February 14, 2005 naming Joseph E. Mayes and Manfred VonLeiner as joint inventors, and accompanied by the instant petition because the oath or declaration is only signed by joint inventor Mayes. The petition argues that joint inventor VonLeiner refuses to sign the oath or declaration and thus by his actions, to cooperate with the filing of the instant application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

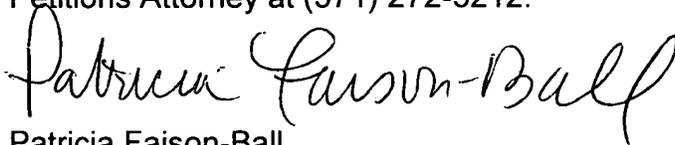
The petition bears proof that the application papers were sent to Mr. VonLeiner and that he has verbally, in a conversation with Sunah Lee, Attorney of Record as well as in an email between he and Ms. Lee, refused to sign the oath or declaration or to cooperate with the filing of the instant application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

As well, please be advised that effective November 22, 2004, the petition fee has been increased to \$200.00. Therein, deposit account no. 19-4882 has been charged in the amount of \$70.00 to make up the difference between that which was paid and that which is due pursuant to 37 CFR 1.17(g). 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.

This matter will be referred to Technology Center 2111 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



MANFRED VONLEINER
4585 SOUTH INDEPENDENCE
LITTLETON, CO 80123

COPY MAILED

JUN 02 2005

OFFICE OF PETITIONS

In re Application of
Joseph E. Mayes
Application No. 11/057,548
Filed: February 14, 2005
For: FIBRE SELECTIVE CONTROL SWITCH SYSTEM

Dear Mr. VonLeiner:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned Petitions Attorney at (571) 272-3212. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

CC:
LSI LOGIC CORPORATION
1621 BARBER LANE
MS: D-106
MILPITAS CA 95035



LSI Corporation c/o Suiter Swantz pc llc
14301 FNB Parkway, Suite 220
Omaha NE 68154

COPY MAILED

JUL 01 2009

In re Application of :
Joseph Mayes, et. al. :
Application No. 11/057,548 :
Filed: February 14, 2005 :
Attorney Docket No. 04-1669 :

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 6, 2009, to revive the above-identified application.

The petition is **GRANTED**.

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 July 15, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 16, 2008.

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 \$810 filing fee; (2) the petition fee of \$1620; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office Action of July 15, 2008 is accepted as having been unintentionally delayed.

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 2613 for appropriate action on the concurrently filed Request for Continued Examination and the amendment filed October 14, 2008.

David Bucci
Petitions Examiner
Office of Petitions



COPY MAILED

JUN 13 2007

OFFICE OF PETITIONS

**PATENT LAW OFFICE OF DAVID G. BECK
P. O. BOX 1146
MILL VALLEY CA 94942**

In re Application of	:	
TESSIEN, Ross A.	:	
Application No. 11/057,549	:	DECISION ON PETITION
Filed: February 14, 2005	:	TO WITHDRAW
Attorney Docket No. IMP021CP2	:	FROM RECORD
	:	

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 20, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by David G. Beck, the sole attorney of record. The undersigned attorney has 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 Ross A. Tessien at the address indicated below.

There are no outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **ROSS TESSIEN c/o IMPULSE DEVICES, INC.
13366 GRASS VALLEY AVE., UNIT H
GRASS VALLEY, CA 95945**


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
11/057,549	02/14/2005	Ross Alan Tessien	IMP021CP2

CONFIRMATION NO. 5045

 45147
 PATENT LAW OFFICE OF DAVID G. BECK
 P. O. BOX 1146
 MILL VALLEY, CA 94942


OC000000024303191

Date Mailed: 06/11/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/20/2007.

- 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



MAYNARD COOPER & GALE, PC
1901 SIXTH AVENUE NORTH
2400 REGIONS/HARBERT PLAZA
BIRMINGHAM, AL 35203-2618

COPY MAILED

JUL 09 2008

OFFICE OF PETITIONS

In re Application of
Ross Alan Tessien et al
Application No. 11/057,549
Filed: February 14, 2005
Attorney Docket No. 12259-1

:
:
:
:
:

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 31, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 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 1797 for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions



ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A.
1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE
P.O. BOX 3791
ORLANDO FL 32802-3791

COPY MAILED

OCT 22 2008

OFFICE OF PETITIONS

In re Application of :
Armin Wellig et al. :
Application No. 11/057,600 : ON PETITION
Filed: February 14, 2005 :
Attorney Docket No. 03-GVA-504/54518 :

This is a decision on the petition filed September 22, 2008 under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition under 37 CFR 1.137 (b) is **GRANTED**.

The above-referenced application was held abandoned on May 28, 2008 for failure to file corrected drawings in response to the Notice of Allowability mailed February 25, 2008. Accordingly, a Notice of Abandonment was mailed September 17, 2008.

Petitioner is advised that the fee for a petition under 37 CFR 1.137(b) is set at \$1540, not \$1500 as was indicated in the petition. Therefore, petitioner's deposit account has been charged in the amount of \$40 to make up the difference between that which was paid and that which is due.

All other requirements under 37 CFR 1.137(b) having been met, this matter is being referred to the Publishing Division.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Morgan Lewis & Bockius LLP
1111 Pennsylvania Avenue NW
Washington, DC 20004

COPY MAILED

AUG 22 2006

OFFICE OF PETITIONS

In re Application of	:	
Harold W. SONTHEIMER	:	
Application No. 11/057,602	:	DECISION ON PETITION
Filed: February 15, 2005	:	TO WITHDRAW
Attorney Docket No. 051530-5003-07	:	FROM RECORD
	:	

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 19, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, “[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]” More specifically, 37 CFR 10.40 states, “[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is” for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, no longer representing the licensee, does not meet any of the conditions set forth in 37 CFR 10.40 as the assignee has not intervened in accordance with 37 CFR 3.71.

The revocation of power of attorney filed June 15, 2006 is not acceptable as office records show no assignment of the instant 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 Monica A. Graves at 571-272-7253.



David Bueci
Petitions Examiner
Office of Petitions

cc: Brenda H. Jarrell, Ph. D.
Choate, Hall & Stewart
Two International Place
Boston, MA 02110



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

OSHA LIANG LLP/Oracle
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

Mail Date: 04/20/2010

Applicant : Germano Caronni : DECISION ON REQUEST FOR
Patent Number : 7640339 : RECALCULATION of PATENT
Issue Date : 12/29/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/057,605 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/14/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 04/20/2010

Applicant : Jeffrey P. Bezos : DECISION ON REQUEST FOR
Patent Number : 7571121 : RECALCULATION of PATENT
Issue Date : 08/04/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/057,608 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/14/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1208** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH, FL 33402-3188

COPY MAILED

JUN 15 2007

OFFICE OF PETITIONS

In re Application of	:	
Yun Mi Kim, et al.	:	
Application No. 11/057,611	:	DECISION ON PETITION
Filed: February 14, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 5853-490	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 16, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of applicant Ronald H. Baney's drivers license. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1709 for action on the merits commensurate with this decision.


 April M. Wise
 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

THE FARRELL LAW FIRM, LLP
290 Broadhollow Road
Suite 210E
Melville, NY 11747

Mail Date: 04/21/2010

Applicant : Joon-Young Cho : DECISION ON REQUEST FOR
Patent Number : 7639650 : RECALCULATION of PATENT
Issue Date : 12/29/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/057,618 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/14/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1319** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 04/20/2010

Applicant : John T. Dowdal : DECISION ON REQUEST FOR
Patent Number : 7590047 : RECALCULATION of PATENT
Issue Date : 09/15/2009 : TERM ADJUSTMENT IN VIEW
Appliction No : 11/057,638 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/14/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1233** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



RAYMOND R. MOSER JR., ESQ.
MOSER IP LAW GROUP
1030 BROAD STREET
2ND FLOOR
SHREWSBURY NJ 07702

MAILED

FEB 27 2009

OFFICE OF PETITIONS

In re Application of :
Burnley, et al. :
Application No. 11/057,647 : DECISION
Filed: 14 February, 2005 :
Attorney Docket No. BLZT0009 :

This is a decision on the petition, filed on 8 December, 2008, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioners always are directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness requirements for relief under 37 C.F.R. §1.181. Petitioners must, *inter alia*, provide statements and documentary support as set forth in the Commentary at MPEP §711.03(c)(I).

BACKGROUND

The record reflects as follows:

This application was held abandoned for Petitioner's failure to reply timely and properly to the non-final Office action mailed on 11 January, 2008, with reply due absent extension of time on or before 11 April, 2008.

The application went abandoned by operation of law after midnight 11 April, 2008.

The Office mailed the Notice of Abandonment on 13 November, 2008.

On 8 December, 2008, Petitioner filed a petition, with, *inter alia*, an averment that a reply in the form of an amendment was timely and properly filed via FAX (to the Office at 571-273-8300) on 11 April, 2008, and in support of that averment, Petitioner submits his statement, that of the person (Kathleen Faughnan) averred to have transmitted the amendment over her signed Certificate of Transmission pursuant to 37 C.F.R. §1.8, and a statement of Sujata Barot who avers discussion with the Examiner to confirm receipt by/at the Office (however, the record contains no Interview Summary contemporaneously/previously submitted by the Petitioner documenting the event), with a copies of the transmittal with certificate, a transmission record (however, no Office FAX Acknowledgement Receipt is provided) and the averred reply.

This is consistent with the required showing described in the guidance in the Commentary at MPEP §711.03(c)(I), which provides in pertinent part:

37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as “Express Mail.” A petition to withdraw the holding of abandonment relying upon a timely reply placed in “Express Mail” must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the “Express Mail” procedures, the paper must be entered in PALM with the “Express Mail” date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered

into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512.¹

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and that those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.²

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.^{3, 4}

¹ See: MPEP §711.03(c) (I)(B).

² See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

³ See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

⁴ The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter.

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Allegations as to the Request to
Withdraw the Holding of Abandonment

The record evidences a satisfactory presentation of the showing requirements under the Rule.

CONCLUSION

The petition as considered under 37 C.F.R. §1.181 is **granted**, and the 13 November, 2008, Notice of Abandonment is **vacated**.

The instant application is released to the Technology Center/AU 2162 for further processing as necessary in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁵) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.)

⁵ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 5/5/08

Paper No.: _____

TO SPE OF : Technology Center 2811

11/057661

SUBJECT : Request for Certificate of Correction on Patent No.: 7294859 B2

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:

Palm location 7580, Certificates of Correction Branch – South Tower – 9A22

If response is for an IFW, return to employee (named below) via PUBSCofC Team in MADRAS.

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Elisha Evans
Certificates of Correction Branch
Tel. No. 703-308-9390 EXT 110

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments:

Pay to enter IDS.

LYNNE GURLEY
SUPERVISORY PATENT EXAMINER


SPE

2811
Art Unit



UNITED STATES PATENT
AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed: September 10, 2008
Patent No. 7,404,061 B2
Ser. No. :11/057664
Inventor(s) :David A. Jordan
Title :PERMANENT POOL MEMORY MANAGEMENT METHOD AND 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) 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

Hulsey IP Intellectual Prop. Lawyers, PC
919 Congress Avenue, Ste. 919
Austin, TX 78701

MD/mt



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

EDWARD J. PETRUS
3413 SPANISH OAK DR.
AUSTIN TX 78731

MAILED

JAN 07 2010

OFFICE OF PETITIONS

In re Application of
Edward J. Petrus
Application No. 11/057,671
Filed: February 15, 2005
Attorney Docket No.

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 7, 2009, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

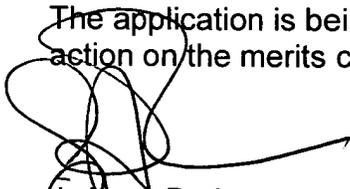
A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by the inventor. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

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.



JoAnne Burke
Petitions Examiner
Office of Petitions



Harpman & Harpman
819 Southwestern Run
Youngstown, OH 44514

COPY MAILED
OCT 06 2006
OFFICE OF PETITIONS

In re Application of Fossa :
Application No. 11/057,672 : Decision on Petition
Filing Date: February 15, 2005 :
Attorney Docket No. 4959 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 7, 2006, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed February 17, 2006, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on May 18, 2006.

The instant petition requests revival of the application.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The Office of Publications will be informed of the instant decision and will take steps to issue the application as a patent in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

BRYAN CAVE LLP
211 NORTH BROADWAY
SUITE 3600
ST. LOUIS, MO 63102-2750

Mail Date: 04/21/2010

Applicant : Robert A. Holton : DECISION ON REQUEST FOR
Patent Number : 7589111 : RECALCULATION of PATENT
Issue Date : 09/15/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/057,703 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/14/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1184** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON MA 02199-7610

MAILED

JUL 13 2010

In re Application : OFFICE OF PETITIONS
Babich, et al. :
Application No. 11/057,714 : PATENT TERM ADJUSTMENT
Filed: February 14, 2005 :
Dkt. No.: BSA-01402 (346715-0559) :

This decision is in response to the application for patent term adjustment under 37 CFR 1.705(b), filed March 5, 2010.

Applicant submits that the correct patent term adjustment to be indicated on the patent is at least 1,203 days, not 784 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction on the basis that the Office will take in excess of three years to issue this patent.

Insofar 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 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.

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 fee¹.

Receipt is hereby acknowledged of the required patent term adjustment application fee under 37 CFR 1.705(b) of \$200.00. See, 37 CFR 1.18(e).

However, 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 application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



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

LAW OFFICE OF PHILIP A STEINER
1212 MARSH STREET
SUITE 3
SAN LUIS OBISPO, CA 93401

COPY MAILED

MAR 17 2008

In re Application of
Tracey Lyn Rinaldi
Application No. 11/057,731
Filed: February 12, 2005
Attorney Docket No. UT02152005

OFFICE OF PETITIONS
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 14, 2007 and October 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 Philip Steiner on behalf of all attorneys of record who are associated with customer No. 31105.

All attorneys/agents associated with the Customer Number 31105 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 undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: TRACEY RINALDI
14300 MORNINGSIDE DRIVE
ATASCADERO, CA 93422



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
11/057,731	02/12/2005	Tracey Lyn Rinaldi	UT02152005

31105
LAW OFFICE OF PHILIP A STEINER
1212 MARSH STREET
SUITE 3
SAN LUIS OBISPO, CA 93401

CONFIRMATION NO. 6282
POWER OF ATTORNEY NOTICE



Date Mailed: 03/10/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/14/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199



MUETING, RAASCH & GEBHARDT, P.A.
ATTENTION: VICTORIA A. SANDBERG
P.O. BOX 581415
MINNEAPOLIS MN 55458-1415

COPY MAILED

DEC 01 2005

OFFICE OF PETITIONS

In re Application of :
Vander Jagt, David :
Application No. 11/057,736 : DECISION GRANTING PETITION
Filed: February 14, 2005 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 310.00430101 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed November 1, 2005, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of prior-filed provisional Application No. 60/544,424, filed February 12, 2004, as 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 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)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

The instant nonprovisional application was pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(iii). Additionally, the instant nonprovisional application was filed within twelve months of the filing date of the prior-filed provisional application, Application No. 60/544,424, which was filed on February 12, 2004, for which priority is claimed.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(6) in that (1) a reference to the above-noted, prior-filed provisional 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)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 119(e) to the above-noted, prior-filed provisional application satisfies the conditions of 37 CFR 1.78(a)(6), 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)(6) 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 application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3206. Any 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 AU 1614 for appropriate action on the amendment submitted November 1, 2005, including consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to prior-filed provisional Application No. 60/544,424.



Liana Chase
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL RD.
SUITE 370
ALEXANDRIA, VIRGINIA 22314

MAIL

JUL 20 2005

**DIRECTOR OFFICE
TECHNOLOGY CENTER 2100**

In re Application of: Shimada et al.
Application No. 11/057,755
Filed: February 15, 2005
For: APPARATUS AND METHOD FOR
PARTITIONING AND MANAGING
SUBSYSTEM LOGICS

DECISION ON PETITION
FOR ACCELERATED
EXAMINATION UNDER
M.P.E.P. §708.02(VIII)

This is a response to the petition filed April 22, 2005, under 37 C.F.R. 102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **GRANTED**.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

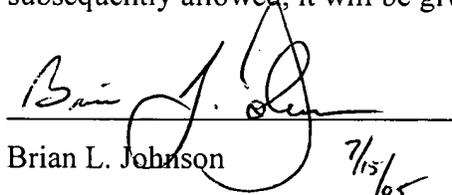
A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

- (a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);

- (b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
- (c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. 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 7/15/05

Special Program Examiner

Technology Center 2100

Computer Architecture, Software and Information Security

571-272-3595


AWK



TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

COPY MAILED

SEP 07 2005

OFFICE OF PETITIONS

In re Application of :
Schain, Hermesh and Shaubi : DECISION REFUSING STATUS
Application No. 11/057,778 : UNDER 37 CFR 1.47(a)
Filed: 14 February, 2005 :
Atty Dcket No. TI-35845 :

This is in response to the petition filed under 37 CFR 1.47(a) on 15 August, 2005.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor.

FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.

Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on 14 February, 2005, with a declaration naming Marleno R. Schain, Barek Hermesh, and Zvika Shaubi as joint inventors and signed by joint inventors Schain and Hermesh. Accordingly, on 12 April, 2005, Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application, requiring joint inventor Schaubi's signature on the executed oath or declaration, and a surcharge for its late filing.

In response, on 15 August, 2005 (certificate of mailing date 12 August, 2005), petitioners filed a two (2) month extension of time and fee and the present petition and fee. Petitioners assert that a copy of the application was sent to the non-signing inventor, but that he has failed to sign and return the declaration.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a surcharge of \$130 or \$65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and
- (5) a statement of the last known address of the non-signing inventor.

The petition lacks item (2).

In regards to item (2), above, the declaration filed with the petition does not meet the requirements of 37 CFR 1.63 because it contains uninitialed/undated alterations.¹ Specifically, there are uninitialed/undated alterations in the signature block for joint inventor Schain. A new oath or declaration in compliance with 37 CFR 1.63 and 1.67, listing the residence, mailing address, and citizenship of all of the inventors and signed by the inventor to whom the corrections pertain (*i.e.*, joint inventor Schain) must be provided with any renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

¹See 37 CFR 1.52(c).

By hand: Customer Service Window
 Mail Stop Petition
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries related to this decision should be directed
to the undersigned at 571-272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

COPY MAILED

DEC 02 2005

In re Application of : **OFFICE OF PETITIONS**
Schain, Hermesh, and Shaubi : DECISION ACCORDING STATUS
Application No. 11/057,778 : UNDER 37 CFR 1.47(a)
Filed: 14 February, 2005 :
Atty Dckt No. TI-35845 :

This is in response to the renewed petition filed under 37 CFR 1.47(a) on 9 November, 2005.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Zvika Shaubi, has refused to sign the declaration after having been sent a copy of the application papers. Specifically, petitioners have shown, via the statement of counsel's secretary, Joyce S. Porter, that a copy of the application was sent on two (2) occasions to the non-signing inventor. However, the non-signing inventor has failed to execute and return the declaration naming him as a joint inventor along with Mariano R. Schain and Barak Hermesh.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration filed with the present renewed petition. Notice of the filing of this application will also be published in the *Official Gazette*.

The application is being referred to Technology Center 2135 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



Zvika Shaubi
Ha'irisim 13
P.O. Box 10037
Netanaya
ISRAEL

COPY MAILED

DEC 02 2005

OFFICE OF PETITIONS

In re Application of
Schain et al.

Application No. 11/057,778

Filed: 14 February, 2005

For: ENCRYPTION/DECRYPTION MECHANISM OF NETOWRK DEPLOYED EXECUTABLE IMAGE FOR
SECURE BOOT OF A DEVICE EMBEDDED IN AN UN-TRUSTED HOST

Dear Mr. Shaubi:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265



UNITED STATES PATENT AND TRADEMARK OFFICE

MAR - 2 2007

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ELMORE PATENT LAW GROUP, PC
209 MAIN STREET
CHELMSFORD, MA 01863

In re Application of :
Radhakrishnan P. Iyer et al :
Serial No.: 11/057,779 : PETITION DECISION
Filed: February 14, 2005 :
Attorney Docket No.: 4011.3001 US2 :

This is in response to the petition under 37 CFR 1.181, filed January 17, 2007, requesting withdrawal of the Finality of the Office action mailed November 2, 2006.

BACKGROUND

A review of the file history shows that the examiner mailed a first Office action to applicants on December 12, 2005, setting forth as the only rejection of record a rejection of claims 26-48, all of the claims pending, under 35 U.S.C. 112, second paragraph, as indefinite.

Applicants replied on March 13, 2006, by amending claim 26 to insert approximately 60 different structures and also made minor amendments to claims 34-36 and 45-46 and added claim 49. The amendment was provided to overcome the rejection of record.

The examiner mailed a new Office action to applicants on May 9, 2006, setting forth an election of species requirement based on the structures added to claim 26.

Applicants replied on August 10, 2006, electing the species of compound (structure) 1 with traverse and setting forth reasons for traversal.

In a new Office action, mailed November 2, 2006, the examiner withdrew the election of species requirement in view of applicants' arguments. The examiner then rejected claims 26-39, 41 and 43 under 35 U.S.C. 103(a) as unpatentable over Matsukura et al and set forth appropriate reasoning. The examiner then made the Office action Final in view of the new grounds of rejection being necessitated by applicants' amendments.

Applicants filed this petition on January 17, 2007, objecting to the finality of the Office action as premature. Applicants also filed a response to the Office action which has not been considered by the examiner pending decision on this petition.

DISCUSSION

Applicants request withdrawal of the finality of the Office action of July 25, 2006, [citing MPEP §706.07(a)] on the basis that the examiner has introduced a new ground of rejection which was not necessitated by applicants' actions or amendments.

It is clear that the Office action mailed November 2, 2006, did set forth a new rejection over prior art not previously applied. A review of the original claims shows that claim 26, the only independent claim, referred to compounds having structures 1-2, 4 or 7-62, but did not set forth the structures in the claim, *per se*. The structures were, however, readily ascertainable by viewing the appropriate portions of the specification. Thus the examiner could have made a rejection over art in the first Office action by reference to the specification in addition to the rejection under 35 U.S.C. 112, second paragraph, which was appropriately made. Applicants' amendment to incorporate the structures of the enumerated compounds into the claims did not change the scope of the claims to any significant extent. Thus the making of a new ground of rejection over newly applied prior art in the last Office action and making that Office action Final was improper and the finality is hereby withdrawn.

DECISION

The petition is **GRANTED**.

The application will be forwarded to the examiner for consideration of the amendment filed January 17, 2007, which will be considered a reply to a non-Final Office action.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number 571-273-8300.



George C. Elliott
Director, Technology Center 1600



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

CR MILES, P.C.
1 OLD TOWN SQUARE, SUITE 200 B
FORT COLLINS, CO 80524

COPY MAILED

JAN 13 2006

OFFICE OF PETITIONS

~~In re Application of :
Wilson et al. :
Application No. 29/221,048 :
Filed: January 6, 2005 :
Atty Dckt No.: WilsonUSRF : ON PETITION~~

In re Application of :
Wilson et al. :
Application No. 11/057,788 :
Filed: January 6, 2005 :
Atty Dckt No.: WilsonUSRF : ON PETITION

This is a decision in response to the Petition July 5, 2005, requesting the application be accorded a filing date of January 6, 2005. The delay in treating this petition is regretted.

This Petition is hereby **granted**.

The application was filed on July 21, 2005. On February 17, 2005, this Office mailed to Applicant a Notice of Corrected Application Number informing Applicant that, through an administrative error, the application had been accorded (design) application no. 29/221,048, and was corrected to nonprovisional application no. 11/057,788.

On March 16, 2005, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (hereinafter "048 Notice") in application no. 29/221,048, stating that the application had NOT been accorded a filing date because the application had been deposited without drawings.

On May 4, 2005, this Office mailed a Notice of Incomplete Nonprovisional Application (hereinafter "788 Notice") stating that the application had NOT been accorded a filing date because the specification did not include at least one claim.

On May 24, 2005, Applicant filed a Reply to Notice of Incomplete Nonprovisional Application (responding to the 788 Notice), wherein Applicant asserted that a complete specification and formal drawing sheets were originally filed with the application on January 6, 2005.

A review of Office records reveals that a specification, including abstract and claim (31 pages), were filed on January 6, 2005, and assigned application no. 29/221,048. The application papers have been located and removed from application no. 29/221,048, and placed in application no. 11/057,788¹.

In view of the above, the petition is granted.

A refund of the petition fee has been scheduled via treasury check as authorized in the instant petition.

Telephone inquiries concerning this matter should be directed to Attorney Derek L. Woods at (571) 272-3232.



Derek L. Woods

Attorney
Office of Petitions

¹Also filed in application no. 11/057,788 on January 6, 2005 were drawing sheets (11 pages); an executed Declaration; an Application Data Sheet (3 pages), a Foreign Priority Document (5 pages), and Transmittal Documents (15 pages).



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

Henry D. Coleman
Coleman Sudol Sapone, P.C.
714 Colorado Avenue
Bridgeport CT 06605-1601

COPY MAILED

AUG 15 2008

In re Application of :
Sidoti, et al. :
Application No. 11/057,802 : **ON PETITION**
Filed: February 14, 2005 :
Attorney Docket No. B42-001DIV :
For: COOKING SALT FORMULATIONS AND :
METHODS :

This is a decision on the petition, filed May 22, 2008 (certificate of mailing date May 19, 2008), under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the June 12, 2007 non-final Office action. No response being received and no extensions of time being obtained under the provisions of 37 CFR 1.136(a), this application became abandoned on September 13, 2007. A Notice of Abandonment was mailed on December 27, 2007.

Applicants have submitted an amendment in reply to the June 12, 2007 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the June 12, 2007 non-final Office action, and the \$770.00 petition fee.

All of the requirements under 37 CFR 1.137(b) being met, the petition is granted.

After the mailing of this decision, the application will be returned to Technology Center AU 1794 for consideration of the amendment filed on May 22, 2008 (certificate of mailing date May 19, 2008).

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK NY 10038

MAILED

MAY 19 2010

In re Application of	:	OFFICE OF PETITIONS
James J. O'BRIEN	:	
Application No. 11/057,816	:	DECISION ON PETITION
Filed: February 14, 2005	:	TO WITHDRAW
Attorney Docket No. 40101/07402	:	FROM RECORD
	:	

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 9, 2010.

The request is **NOT APPROVED**.

The Office cannot approve 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 request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, change of employment, does not meet any of the conditions set forth in 37 CFR 10.40. Please see the attached Form PTO/SB/83- Request for Withdrawal as Attorney or Agent.

Further, the request cannot be approved because it must be made clear to the Office what the status of the remaining attorneys will be. The address for future communications from the Office must also be made clear.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 6735.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: PAOLO TREVISAN
2831 SUMMERFIELD ROAD
FALLS CHURCH, VA 22042

Attachment: Form PTO/SB/83 – Request for Withdrawal as Attorney or Agent



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

Christopher E. Chalsen
MILBANK, TWEED, HADLEY & McCLOY LLP
1 Chase Manhattan Plaza
New York, NY 10005-1413

COPY MAILED

DEC 12 2008

Patent No. 7,315,114 :
Masaki NISHIKAWA et al :
Application No. 11/057,821 : DECISION ON PETITION
Filed: February 14, 2005 :
Attorney Docket No. 35061-06600 :

This is a decision on the petition filed November 14, 2008, requesting under 37 CFR 1.182 that the letter and original issued letters patent, submitted January 9, 2008, be expunged from the file and returned to the petitioner. The \$400.00 petition fee has been received.

The petition is **GRANTED**.

USPTO records for the above-identified application have been changed consistent with this decision.

The **ORIGINAL LETTERS PATENT** is enclosed with this decision.

Telephone inquiries related to this decision should be addressed to the undersigned at (571) – 272-0602


Thurman K. Page
Petitions Examiner
Office of Petitions

Enclosure: Original Letters Patent 7,315,114

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	Not Yet Known	11057840	Confirmation No.	Unknown
Applicant(s)	:	Nicholas Gerald GREY			
Filed	:	Concurrently Herewith 2-15-05			
TC/A.U.	:	Not Yet Known	1744		
Examiner	:	Not Yet Known	T:11		
Title	:	SURFACE CLEANING APPARATUS			
Docket No.	:	ERPC.118605			

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-145

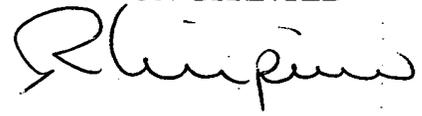
**PETITION TO MAKE SPECIAL UNDER 37 CFR § 1.102(d)
ON THE BASIS OF ACTUAL INFRINGEMENT**

Dear Sir:

Applicant requests that this application be examined on an expedited basis by way of grant of this Petition. This Petition is being filed with the application, which is a continuation of Serial No. 10/700,674, which is a continuation of 10/450,001, which is a national stage filing of International Application No. PCT/GB02/03309. Also enclosed with this Petition are a copy of the Declaration and Power of Attorney from parent application Serial No. 10/700,674; an Application Data Sheet, a Preliminary Amendment, the filing fee, an Information Disclosure Statement, and the Petition fee under 37 § CFR 1.17(h). Applicant requests that the filing fee and Petition fee be charged to Deposit Account No. 19-2112.

This request is based on actual infringement. Further to that regard, the undersigned states as follows:

PETITION GRANTED



**Richard Crispino
Special Program Examiner
Technology Center 1700**

MAY - 5 2005



Date Mailed: September 11, 2007

FLASTER/GREENBERG P.C.
8 PENN CENTER
1628 JOHN F. KENNEDY BLVD.
15TH FLOOR
PHILADELPHIA PA 19103

Applicant: Smith et al.
Appl. No.: 11/057,862
Filing Date: February 14, 2005
Title: SYSTEMS AND METHODS FOR AUTOMATICALLY CONFIGURING AND
MANAGING NETWORK DEVICES AND VIRTUAL PRIVATE NETWORKS
Attorney Docket No.: E0303-1U1
Pub. No.: US 2006/0184998 A1
Pub. Date: August 17, 2006

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on August 9, 2007, 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 follow-on "Document", 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.

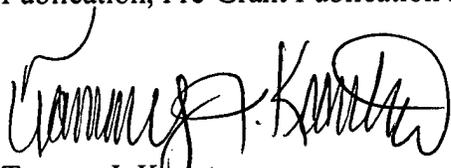
Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission.

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 Patent Publication, Pre-Grant Publication Division, 703-605-4283.



Tammy J. Kobontz
Program & Management Analyst
Pre-Grant Publication Division
Office of Patent Publication

Adjustment date: 09/11/2007 KKING1
08/09/2007 INTEFSW 00011709 503541 11057862
01 FC:1504 300.00 CR



THE FARRELL LAW FIRM, LLP
290 Broadhollow Road
Suite 210E
Melville NY 11747

MAILED
JUN 05 2009
OFFICE OF PETITIONS

In re Application of :
Seung-Eun Hong, et al. :
Application No. 11/057,887 : **DECISION GRANTING PETITION**
Filed: February 14, 2005 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. 678-1885 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 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 May 18, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 2618 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams
Terri Williams
Petitions Examiner
Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

THE FARRELL LAW FIRM, LLP
290 Broadhollow Road
Suite 210E
Melville, NY 11747

Mail Date: 04/21/2010

Applicant	: Seung-Eun Hong	: DECISION ON REQUEST FOR
Patent Number	: 7613148	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/057,887	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **839** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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

THE FARRELL LAW FIRM, LLP
290 Broadhollow Road
Suite 210E
Melville, NY 11747

Mail Date: 05/18/2010

Applicant	: Seung-Eun Hong	: NOTICE CONCERNING IMPROPER
Patent Number	: 7613148	: CALCULATION OF PATENT TERM
Issue Date	: 11/03/2009	: ADJUSTMENT BASED UPON USPTO
Application No	: 11/057,887	: IMPROPERLY MEASURING REDUCTION
Filed	: 02/14/2005	: 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 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 **923** 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).

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 of the entire interest at the first copied address below until otherwise properly notified by the applicant.

There is no outstanding Office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.



David Bucci
Petitions Examiner
Office of Petitions

cc: William R. Dunn
4445 Burgess Hill Lane
Alpharetta, GA 30202

cc: Greenberg Traurig LLP
2450 Colorado Avenue, Suite 400E
Santa Monica, CA 90404


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
11/057,888	02/14/2005	William R. Dunn	AME 1638-012

08698
 STANDLEY LAW GROUP LLP
 495 METRO PLACE SOUTH
 SUITE 210
 DUBLIN, OH 43017

CONFIRMATION NO. 7626
 OC000000019643084
 OC000000019643084

Date Mailed: 07/17/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/18/2005.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Terris S. Williams

TERRIS 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

STANDLEY LAW GROUP, LLP
495 METRO PLACE SOUTH
SUITE 210
DUBLIN, OH 43017

COPY MAILED

JUL 02 2008

OFFICE OF PETITIONS

In re Application of :
William R. Dunn :
Application No. 11/057,888 :
Filed: February 14, 2005 :
Attorney Docket No. AME1638-012 :

**DECISION ON PETITION
UNDER 37 CFR 1.137(b)**

This is a decision on the petition, filed January 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 13, 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.

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:

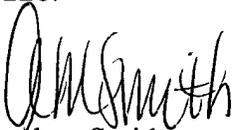
- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing 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 and/or Notice of Foreign Filing, which sets forth the projected publication date of October 9, 2008 accompanies this decision.

This application is being referred to Technology Center Art Unit 2871 for consideration of the Request for Continued Examination under 37 CFR 1.114, filed on January 22, 2008.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

A handwritten signature in black ink, appearing to read "A. Smith", written in a cursive style.

Andrea Smith
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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/057,888	02/14/2005	William R. Dunn	AME1638-012

CONFIRMATION NO. 7626

8698
STANDLEY LAW GROUP LLP
495 METRO PLACE SOUTH
SUITE 210
DUBLIN, OH 43017

NONPUBLICATION RESCISSION
LETTER



Date Mailed: 07/02/2008

**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 10/09/2008.

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".

/amsmith/

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

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
1177 AVENUE OF THE AMERICAS (6TH AVENUE)
41ST FLOOR
NEW YORK, NY 10036-2714

COPY MAILED

MAY 12 2005

OFFICE OF PETITIONS

In re Application of :
Robert G. Brown :
Application No. 11/057,890 :
Filed: February 14, 2005 :
Attorney Docket No. S0595.0089 :

ON PETITION

This is a decision on the petition under 37 CFR 1.53 filed April 1, 2005, requesting that the above-identified application be accorded a filing date of February 14, 2005, including sixteen (16) sheets of drawings.

The application was submitted on February 14, 2005. However, on March 23, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice Of Incomplete Nonprovisional Application" (Notice) that stated the application had not been accorded a filing date, and that the application was deposited without drawings.

In response, on April 1, 2005, the instant petition was submitted. Petitioner argues that sixteen (16) sheets of drawings were filed on February 14, 2005. In support, the instant petition is accompanied by a copy of applicant's postcard receipt that acknowledges receipt of "16 drawings (16 sheets)" on February 14, 2005. A review of the application file indicates the presence of zero (0) sheets of drawings filed on February 14, 2005. It is assumed that missing sheets of drawings were 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. 50-2215.

This application will be returned to OIPE for further processing with a filing date of February 14, 2005, using the sixteen (16) sheets of drawings, supplied on April 1, 2005.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
United States Patent and Trademark Office



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.

Morgan S. Heller II
Law Offices of
DOWNS RACHLIN MARTIN PLLC
199 Main Street, P.O. Box 190
Burlington, VT 05402-0190

MAILED

FEB 23 2006

TECHNOLOGY CENTER 2100

In re Application of:
Joel H. Levine
Application No. 11/057,903
Filed: December 7, 2005
For: SYSTEM AND METHOD FOR
AUTOMATICALLY CATEGORIZING
OBJECTS USING AN EMPIRICALLY
BASED GOODNESS OF FIT TECHNIQUE

DECISION ON PETITION TO
MAKE SPECIAL UNDER 37
C.F.R. §1.102(c) AND MPEP
§708.02 (IV): APPLICANT'S
AGE

This is a decision on the petition, filed December 7, 2005, under 37 C.F.R. §1.102(c) and M.P.E.P. §708.02(IV): Applicant's Age, to make the above-identified application special.

A grantable petition to make special under 37 C.F.R. §1.102 and in accordance with M.P.E.P. §708.02, Section IV must include a showing, as by a birth certificate or the applicant's statement, that the applicant is sixty five (65) years of age or more. No fee is required for this petition.

The petition includes a copy of Joel H. Levine's declaration establishing that applicant is sixty five (65) years of age or more. Accordingly, the petition is **GRANTED**.

The application is being forwarded to the examiner for expedited prosecution.

James R. Matthews
For Pinchus M. Laufer
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
(571) 272-3599



WORLD HYDROGEN, INC.
ATTN: DR. JOHN O'M. BOCKRIS
HALLE PLANTATION
10515 S.W. 55TH PLACE
GAINESVILLE IL 32608

COPY MAILED

AUG 08 2008

In re Application of	:	
BOCKRIS, Burnard P.	:	
Application No. 11/057,910	:	DECISION ON PETITION
Filed: February 15, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1745-P0004	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 02, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition does not include a clear copy of the driver's license that was submitted as evidence of the applicant's age.

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).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

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 1795 for action in its regular turn.



Michelle R. Eason
Paralegal Specialist
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.

AMGEN INC.
LAW DEPARTMENT
1201 AMGEN COURT WEST
SEATTLE WA 98119

COPY MAILED

JUL 21 2009

OFFICE OF PETITIONS

In re Application of :
Khare et al. :
Application No. 11/057,923 : ON APPLICATION FOR
Filed: February 14, 2005 : PATENT TERM ADJUSTMENT
Atty Docket No. 54113.8008.US01:

This is in response to the PETITION FOR PATENT TERM ADJUSTMENT filed February 12, 2009. Applicant submits that the correct patent term adjustment to be indicated on the patent is three hundred forty-three (343) days, not three hundred one (301) 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 patent¹.

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

¹ This calculation takes into consideration that a request for continued examination (RCE) was first filed in this application on March 27, 2008. An RCE cuts-off their ability to accumulate any additional patent term for over three year pendency. The 1.702(b) period excludes any period consumed by continued examination requested by applicant under 35 U.S.C. 132(b).

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 fee².

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).

² 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.

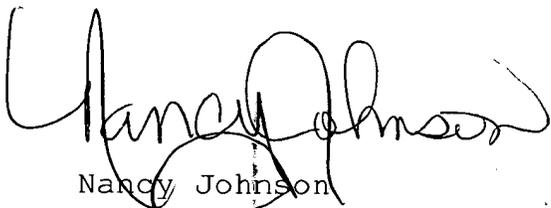
Application No. 11/057,923

Page 3

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with a large initial "N" and "J".

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

AMGEN INC.
LAW DEPARTMENT
1201 AMGEN COURT WEST
SEATTLE, WA 98119

Mail Date: 04/21/2010

Applicant	: Sanjay D. Khare	: DECISION ON REQUEST FOR
Patent Number	: 7579316	: RECALCULATION OF PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/057,923	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/14/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **416** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



WORKMAN NYDEGGER/MICROSOFT
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY UT 84111

COPY MAILED

DEC 04 2008

OFFICE OF PETITIONS

In re Application of	:	
Surendra VERMA et al.	:	
Application No. 11/057,935	:	DECISION ON PETITION
Filed: February 14, 2005	:	
Attorney Docket No. 13768.783.96.3	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 03, 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.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 08, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed July 08, 2008. Accordingly, the date of abandonment of this application is October 09, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

The filing of a Request for Continued Examination and fee therefore without payment of the issue fee or any outstanding balance thereof, as in the instant application, is not an acceptable reply in an application abandoned for failure to pay the issue fee or any portion thereof, See MPEP 711.03(c)(II)(A)(1).

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 Karin Reichle at (571) 272-6051.


David Buccy
Petitions Examiner
Office of Petitions



**WORKMAN NYDEGGER/MICROSOFT
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY UT 84111**

COPY MAILED

MAR 09 2009

OFFICE OF PETITIONS

In re Application of	:	
Surendra VERMA et al.	:	
Application No. 11/057,935	:	ON PETITION
Filed: February 14, 2005	:	
Attorney Docket No. 47973	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed January 21, 2009, to revive the above-identified application.

The petition is **GRANTED**.

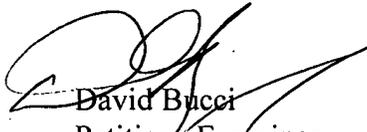
The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed July 8, 2008, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on October 9, 2008.

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 of \$1620; and (3) a statement of unintentional delay have been received. Accordingly, the Issue Fee and Publication Fee payment is accepted as having been unintentionally delayed.

37 CFR 1.137(b)(3) requires a statement that “the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.” Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to Felix O. Figueroa at (571) 272-6052 or in his absence, the undersigned at (571) 272-7099.

The application file is being referred to Technology Center AU 2166 for appropriate action on the concurrently filed Request for Continued Examination.



David Bucci
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Values: 11/057,955, 02/15/2005, Keith E. Moore, 10018413-1, 5119

7590 04/21/2008
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

BARRON JR, GILBERTO

ART UNIT PAPER NUMBER

2132

NOTIFICATION DATE DELIVERY MODE

04/21/2008

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.

Handwritten signature of Tami Sarmes

Patent Publication Branch
Office of Data Management

Adjustment date: 04/21/2008 DTERRY 11057955
02/17/2005 HLE333 00000036 082025
02 FC:1111 500.00 CR
04 FC:1202 800.00 CR



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.

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805

COPY MAILED

JAN 08 2008

In re Application of : **OFFICE OF PETITIONS**
Daiziel et al. : DECISION ON PETITION
Application No. 11/057,956 :
Filed: May 23, 2005 :
Atty Docket No. CL1920 US DIV :

This is a decision on the PETITION UNDER 37 C.F.R. 1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT filed August 1, 2007.

The petition is **GRANTED**.

On October 27, 2006, the Office mailed a non-final Office action in the above-identified application. This Office action set a three-month period for response, with extensions of time obtainable under § 1.136(a).

On August 1, 2007, applicants filed the instant petition, asserting that the response had been timely filed by facsimile transmission on January 25, 2007. In support thereof, applicants submit a copy of the response as maintained to have been timely faxed and a copy of a facsimile transmission confirmation.

A review of the record confirms that no response was received on January 25, 2007, as no such response is present in the image file wrapper for this application.

37 CFR 1.8(b) provides that:

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received 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 evidence has been considered, and is found persuasive that the response should be considered timely submitted pursuant to § 1.8(b). Effective December 1, 2003, the Office required, with few exception, that all patent application related correspondence transmitted by facsimile must be directed to the central facsimile number, (703) 872-9306. See *Centralized Delivery and Facsimile Transmission Requirements for Patent Application Related Correspondence*, 1275 OG 200 (October 28, 2003). In the Office action mailed February 7, 2006, the examiner noted the centralized facsimile number of 703-872-9306. Effective July 15, 2005, the centralized facsimile number was changed to (571) 273-8300, with all facsimile transmissions sent to the old facsimile number being forwarded to the new number. See *New Patents Central FAX Number and Updated Lists of Exceptions to the Centralized Delivery and Facsimile Transmission Policy for Patent Related Correspondence*, 1296 OG 76 (July 12, 2005).

In this instance, the response was faxed to 571-273-1463, a number noted in the Office action. (The Office action should have directed applicant to send official responses to 571-273-8300 consistent with the OG notice above). The petition

includes a facsimile transmission confirmation. The petition does not include a statement from the person who transmitted the facsimile transmission. Nonetheless, the statement from the attorney is sufficient to satisfy 37 CFR 1.8(b)(3).

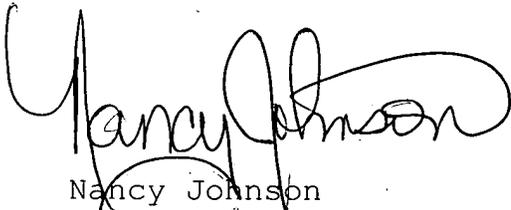
In view thereof, the notice of abandonment mailed July 9, 2007 is hereby WITHDRAWN, and the holding of abandonment is hereby WITHDRAWN.

The petition under § 1.181 is GRANTED.

No fee is required on petition under § 1.181.

Technology Center AU 1722 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for consideration by the examiner of the response resubmitted on petition filed August 1, 2007.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a large, stylized flourish at the end.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



MARSHALL GERSTEIN & BORUN
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO, IL 60606

COPY MAILED

FEB 15 2006

OFFICE OF PETITIONS

In re Application of	:	
John McAvoy et al	:	
Application No. 11/057,962	:	DECISION ON PETITION
Filed: February 15, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 29428/40380A	:	37 CFR 1.102(d)

This is a decision on the petition under 37 CFR §1.102(d), filed December 12, 2005, to make the above-identified application special based on actual infringement as set forth in M.P.E.P. § 708.02, Section II.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

- (A) That there is an infringing device or product actually on the market or method in use;
- (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
- (c) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition complies with all the above stated requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Wan Laymon at 571-272-3220.

This matter is being referred to Technology Center Art Unit 2676 for action on the merits commensurate with this decision.



Denise Pothier
Petitions Examiner
Office of Petitions



JGJR.: 04-06

Paper No: __

COPY MAILED

JUL 1 0 2006

OFFICE OF PETITIONS

JOSEPH E. FUNK
82 CHASE RD
LONDONDERRY NH 03053

In re Application of	:	
Childs	:	
Application No. 11/057,998	:	DECISION
Filing Date: 15 February, 2005	:	
Attorney Docket No.: (None)	:	

This is a decision on the petition, improvidently styled as a “renewed petition,” filed on 13 May, 2005, alleging unintentional delay under 37 C.F.R. §1.137(b).

The Office regrets the delay in addressing this matter—it was received by the attorneys in the Office of Petitions only at this writing.

NOTES:

It appears that, since the filing of the original petition, Petitioner has not inquired as to the Status of the instant matter—Petitioner is reminded that the filing of such inquiries at a minimum of three- (3-) month intervals may provide a showing of diligence should the extended delay be questioned (for example, as required under 37 C.F.R. §1.181).

Monitoring of the status of applications on Private PAIR can inform one’s management of application responses and provide an indication when mailings of Office actions should be expected.

For the reasons set forth below, the petition under 37 C.F.R. §1.137(b) is **DISMISSED**.

BACKGROUND

The record reflects that:

- Petitioner apparently attempted to file the instant application on 15 February, 2005, as a continuation to Application No. 10/230,613 (the ‘613 application), however, the ‘613 application had gone abandoned for failure to reply timely and properly to a 1 June, 2004, non-final Office action with reply due absent extension of time on or before 1 September, 2004, and Petitioner’s attempt to revive the ‘613 application was dismissed for failure to satisfy the fee requirements (a copy of that decision is enclosed herewith);
- thereafter, Petitioner filed in the instant application the instant petition, improvidently filed in this application and improvidently styled as a “renewed” petition;
- the record indicates that Petitioner in fact replied on 15 May, 2005, over a 12 May, 2005, certificate of transmission/ mailing, to the Notice of Missing Parts mailed on 17 March, 2005, and thus the instant application is pending and not abandoned;
- out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and those registered to practice *and* all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner’s duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Specifically, the regulations at 37 C.F.R. §10.18 provide:

§ 10.18 Signature and certificate for correspondence filed in the Patent and Trademark Office.

(a) For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature by such practitioner complying with the provisions of §1.4(d), §1.4(e), or § 2.193(c)(1) of this chapter.

(b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—

(1) All statements made therein of the party’s own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and

(2) To the best of the party’s knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that —

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).²

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority. 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.³

Delays in responding properly raise the question whether delays are unavoidable.⁴ 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).⁵

-
- (i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office;
 - (ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
 - (iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and
 - (iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.
- (c) Violations of paragraph (b)(1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions as deemed appropriate by the Commissioner, or the Commissioner's designee, which may include, but are not limited to, any combination of —
- (1) Holding certain facts to have been established;
 - (2) Returning papers;
 - (3) Precluding a party from filing a paper, or presenting or contesting an issue;
 - (4) Imposing a monetary sanction;
 - (5) Requiring a terminal disclaimer for the period of the delay; or
 - (6) Terminating the proceedings in the Patent and Trademark Office.
- (d) Any practitioner violating the provisions of this section may also be subject to disciplinary action. See § 10.23(c)(15). [Added 50 FR 5175, Feb. 6, 1985, effective Mar. 8, 1985; para. (a) revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; paras. (a) & (b) revised, paras. (c) & (d) added, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

² 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

³ Therefore, by example, an 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.

⁴ 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).

⁵ See: *In re Application of G*, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

And the Petitioner must be diligent in attending to the matter.⁶ 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.⁷))

As to the Allegations
of Unintentional Delay

The requirements for a grantable petition under 37 C.F.R. §1.137(b) are the petition and fee, a statement/showing of unintentional delay, a proper reply, and—where appropriate—a terminal disclaimer and fee if the application was filed before 8 June, 1995.

It appears that the instant matter is moot.

CONCLUSION

The petition under 37 C.F.R. §1.137(b) hereby is **dismissed as moot**.

The instant application is released to OIPE for further processing in due course 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

⁶ 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.

⁷ 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.



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

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

COPY MAILED

NOV 08 2006

OFFICE OF PETITIONS

In re Application of :
Takanori Washiro :
Application No. 11/058,001 : DECISION GRANTING PETITION
Filed: February 15, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. SONYJP 3.0-426 :

This is a decision on the petition, filed November 7, 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 October 5, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2821 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\NOV10\058001.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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

COPY MAILED

MAR 08 2007

OFFICE OF PETITIONS

In re Application of :
Takanori Washiro :
Application No. 11/058,001 : DECISION GRANTING PETITION
Filed: February 15, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. SONYJP 3.0-426 :

This is a decision on the petition, filed March 6, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

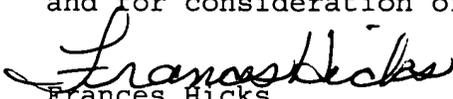
The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 5, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2821 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\Mar10\058001.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.



KUNZLER & MCKENZIE
8 EAST BROADWAY
SUITE 600
SALT LAKE CITY UT 84111

COPY MAILED

MAY 15 2009

OFFICE OF PETITIONS

In re Application of Vera :
Application No. 11/058,011 : Decision on Petition
Filing Date: February 15, 2005 :
Attorney Docket No. SVL920040078US1 :

This is a decision on the petition under 37 CFR 1.181 filed February 26, 2009, requesting the Office withdraw the holding of abandonment.

The petition is **granted**.

Petitioner filed a Request for Continued Examination and an amendment on June 27, 2008.

The Office mailed a Notice of Non-Compliant Amendment on August 11, 2008. The Notice set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later).

The Office did not receive a reply to the August 11, 2008 Notice. As a result, the Office mailed a Notice of Abandonment on February 24, 2009.

The petition asserts petitioner never received the August 11, 2008 Notice and requests withdrawal of the holding of abandonment

The evidence presented by petitioner is sufficient to establish non-receipt of the August 11, 2008 Notice. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Technology Center Art Unit 2191 will be informed of the instant decision and the application, including the amendment filed February 26, 2009, will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Michael Blaine Brooks
P.O. Box 1630
Simi Valley, CA 93062-1630

COPY MAILED

JUL 25 2006

OFFICE OF PETITIONS

In re Application of
Kevin P. HICKERSON
Application No. 11/058,023
Filed: February 14, 2005
Attorney Docket No. 100.004

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 30, 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 Michael B. Brooks on behalf of all attorneys of record who are associated with customer No. 24507.

Applicant is reminded that there is no attorney of record at this time.

The request to change correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. All future communications from the Office will be directed to the first named signing inventor or the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Monica Graves at 571-272-7253.



David Bucchi
Petitions Examiner
Office of Petitions

cc: Kevin P. Hickerson
3336 Raymond Avenue
Altadena, CA 91001



COPY MAILED

JUL 28 2005

OFFICE OF PETITIONS

DUKE W. YEE
YEE & ASSOCIATES, P.C.
P.O. BOX 802333
DALLAS TX 75380

In re Application of :
Barcia :
Application No. 11/058,036 : ON PETITION
Filed: 15 February, 2005 :
Attorney Docket No. RSW9200401US1 :

This is a decision on the petition filed on 16 May, 2005, considered under 37 C.F.R. §1.53, to obtain a filing date of 15 February, 2005, for Fig. 4, as described in the specification.

For the reasons set forth below, the petition is **GRANTED**.

BACKGROUND

After this application was deposited on 15 February, 2005:

- on 16 March, 2005, the Office mailed a Notice of Omitted Items reflecting the absence of Fig. 4, as described in the specification, and indicated that Petitioner's alternatives were to: (a) file a petition if Petitioner contended that the item(s) deemed omitted had been deposited with the application, (b) supply the omitted item(s) 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 16 May, 2005, with, *inter alia*, a copy of the date-stamped ("021505") receipt card (see: MPEP §503¹), a copy of the drawing sheets

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

averred to be Fig. 4 submitted with the original 15 February, 2005, deposit, and a request for refund of the petition fee.

Analysis

A search of the official file reveals that:

- on 15 February, 2005, Petitioner deposited the instant application;
- the date-stamped receipt card evidences the following, in pertinent part:
 - * * *
 - 4. Patent Application (27 pgs. spec. & abstract, 5 pgs. Claims 1 - 20);
 - 5. 15 pages of formal drawings; * * *

Because Petitioner’s receipt card adequately itemized the contents of the application on the receipt card, it is concluded that the application, including Fig. 4, as described in the specification, was deposited with the Office on 15 February, 2005, and Fig. 4, as described in the specification, subsequently was misplaced in the Office.

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.)

Accordingly, Fig. 4 is entitled to a filing date with the application as filed.

The Notice of Omitted Items mailed on 16 March, 2005, was sent in error and is hereby vacated to the extent that it stated that pages/sheets—to wit: Fig. 4, as described in the specification, had been omitted.

CONCLUSION

The petition is **granted** and the petition fee waived and refunded to Deposit Account 50-3157.

This application is released to OIPE for further processing with a filing date of 15 February, 2005, for the entire application and in particular for the specification (32 pages: description, claims and abstract), and 15 sheets of drawings, including Fig. 4, as described in the specification, using:

- **36 pages of specification (description, claims and abstract), and the 14 sheets of drawings (Figs. 1 - 3 and 5 - 15) deposited on 15 February, 2005; and**
- **the 1 sheets of drawings (Fig. 4) deposited on 156 May, 2005; and further**

with direction to OIPE to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 15 February, 2005, and reflecting therein that 36 pages of specification (description, claims and abstract) and 15 sheets of drawings were present on filing.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3214.



John J. Gillon, Jr.
Senior Attorney
Office of Petitions



QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

COPY MAILED
AUG 07 2008

In re Application of :
Sandip SARKAR et al. :
Application No. 11/058,059 : DECISION ON PETITION
Filed: February 14, 2005 :
Attorney Docket No. 000268C1 :

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**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 19, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is September 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 a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1540; and (3) a proper statement of unintentional delay. Accordingly, the reply to the final Office action of June 19, 2007 is accepted as having been unintentionally delayed.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 2618 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.



David Bucci
Petitions Examiner
Office of Petitions


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/058,063	02/14/2005	3747	1130	053196-9006-01	13	20	3

CONFIRMATION NO. 8469

23409
 MICHAEL BEST & FRIEDRICH, LLP
 100 E WISCONSIN AVENUE
 MILWAUKEE, WI 53202

UPDATED FILING RECEIPT


OC000000017228137

Date Mailed: 10/12/2005

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)

Jeffrey Allen Davis, Brookfield, WI;
 Michael Joseph Holz, West Bend, WI;
 Robert Daniel Tharp, Sussex, WI;
 Austin Raymond Savio Braganza, Milwaukee, WI;

Power of Attorney: The patent practitioners associated with Customer Number **23409**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/544,933 02/13/2004

Foreign Applications

If Required, Foreign Filing License Granted: 03/19/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/058,063**

Projected Publication Date: 01/19/2006

Non-Publication Request: No

Early Publication Request: No

Title

Tank assembly and components

Preliminary Class

123

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

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
11/058,082	02/10/2005	2612	1130	2002P00897WOUS	1	20	3

CONFIRMATION NO. 5919

000046726
 BSH HOME APPLIANCES CORPORATION
 INTELLECTUAL PROPERTY DEPARTMENT
 100 BOSCH BOULEVARD
 NEW BERN, NC 28562

CORRECTED FILING RECEIPT


OC000000021269236

Date Mailed: 11/17/2006

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)

Thomas Ludenia, Falkensee, GERMANY;

Assignment For Published Patent Application

BSH Bosch und Siemens Hausgerate GmbH, Munich, GERMANY

Power of Attorney:

John Winburn--26822
 Russell Warnock--32860
 Craig Loest--48557

Domestic Priority data as claimed by applicant

This application is a CON of PCT/EP03/07263 07/03/2003

Foreign Applications

GERMANY 10236937.2 08/12/2002

If Required, Foreign Filing License Granted: 06/08/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/058,082**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Electrical appliance

Preliminary Class

340

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).



BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN NC 28562

COPY MAILED

NOV 17 2006

OFFICE OF PETITIONS

In re Application of :
Thomas LUDENIA : DECISION ON PETITION
Application No. 11/058,082 : UNDER 37 CFR 1.78(a)(3)
Filed: February 10, 2005 :
Attorney Docket No. 2002P00897WOUS :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 28, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 365(c) for the benefit of priority to prior-filed PCT Application No. PCT/EP03/07263, filed July 3, 2003, set forth in the accompanying Application Data Sheet (ADS) (the international application number is referred to in the petition and ADS as PCT/EP2003/007263).

The petition under 37 CFR 1.78(a)(3) is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

All the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 and 365(c) is accepted as being unintentionally delayed.

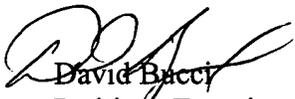
The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the application is entitled to the benefit of the prior-filed application. In order for the application to be entitled to the

benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to David Bucci at (571) 272-7099. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to the examiner of Technology Center Art Unit 2612 for appropriate action on the amendment filed April 28, 2006, including consideration of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 and 365(c) to the above-noted, prior-filed PCT application.


David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



Customer# 68218
TOWNSEND AND TOWNSEND AND CREW, LLP/PIXAR
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

COPY MAILED

JUN 29 2007

OFFICE OF PETITIONS

In re Application of	:	
FANKHAUSER, Karl et al.	:	
Application No. 11/058,098	:	DECISION ON PETITION
Filed: January 26, 2001	:	TO WITHDRAW
Attorney Docket No. QVDX-001/00US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed March 09, 2007.

The request is **NOT APPROVED**.

A review of the file record indicates that the attorneys/agents of customer number 68212 does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The power of attorney will remain with customer no. 20350, until properly notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Terri Williams
Petitions Examiner
Office of Petitions

Cc: **JONATHAN HOLLANDER**
LAW OFFICE OF JONATHAN HOLLANDER PC
73 SUMER STREET
SUITE 301
SAN FRANCISCO, CA 94103-3979



PARKS KNOWLTON - C001
1117 PERIMETER CENTER WEST
SUITE E402
ATLANTA GA 30338

COPY MAILED

DEC 17 2007

OFFICE OF PETITIONS

In re Application of :
Holmes, et al. :
Application No. 11/058,103 : **DECISION ON PETITION**
Filed: February 14, 2005 :
Attorney Docket No. CW-577.US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 31, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned April 26, 2006 for failure to timely file a proper reply to the final Office action mailed January 25, 2007. A reply was submitted March 22, 2007, but failed to place the application in condition for allowance, as indicated in the Advisory Action mailed April 2, 2007. Notice of Abandonment was mailed October 10, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an RCE, (2) the required petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

This application is being referred to Technology Center AU 2617 for processing of the RCE.



Alesia M. Brown
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAXWELL TECHNOLOGIES, INC.
9244 BALBOA AVENUE
SAN DIEGO CA 92123

COPY MAILED

JUL 09 2008

OFFICE OF PETITIONS

In re Application of :
Hillman, Robert A. :
Application No. 11/058,136 : DECISION ON PETITION
Filed: February 15, 2005 :
Attorney Docket No. M150US/1817 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 20, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Issue Fee Transmittal with payment of the issue and publication fees, (2) the petition fee, and (3) a proper statement of unintentional delay.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed solely to the address currently of record until such time as appropriate instructions are received to the contrary.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

cc:

HENSLEY KIM & HOLZER, LLC
1660 LINCOLN STREET, SUITE 3000
DENVER, CO 80264



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

Roger V. Lee
THE CLOROX COMPANY
P.O. BOX 24305
OAKLAND CA 94623-1305

COPY MAILED

JUN 15 2006

OFFICE OF PETITIONS

In re Application of	:	
Kent Fung, Dennis Jenkins, Wendy Ping,	:	
Daniel Wheeler and Ramesh Hernlem	:	DECISIONS ON PETITIONS
Application No. 11/,058,147	:	UNDER 37 CFR 1.48 ,1.47(A) AND
Filed: February 14, 2005	:	1.183
Attorney Docket Number: 430.184A	:	
Title of Invention: Animal Litter	:	
	:	
	:	
	:	

This is in response to the petitions filed on November 28, 2005 under 37 CFR §§1.48 1.47(a) and 1.183.

The petition filed under 37 CFR 1.48 is **GRANTED**.
The petition filed under 37 CFR 1.47(A) is **GRANTED**.
The petition filed under 37 CFR 1.183 is **GRANTED**.

The above-identified application was filed on February 14, 2005, with an executed oath or declaration naming inventors Fung, Jenkins, Ping and Wheller as co-inventors. Petitioner seeks to amend the inventive entity by adding inventor Hernlem . Petitioner contends inventor Hernlem refuses to execute the application papers and provide that error in inventorship occurred without deceptive intent. A petition decision was mailed on September 26, 2005 dismissing petitions under 37 CFR §§ 1.48 and 1.183.

PETITION UNDER 37 CFR 1.48

A grantable petition under 37 CFR 1.48 (a) requires: (1) a request to correct the inventorship that sets forth the desired inventorship change; (2) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part; (3) an oath or declaration by the actual inventor or inventors as required by §1.63 or as

permitted by §§ 1.42, 1.43 or §1.47; (4) the processing fee set forth in §1.17(l); and (5) if an assignment has been executed by any of the original named inventors, the written consent of the assignee.

The requirements of 37 CFR 1.48 have been met with the filing of a grantable petition under 37 CFR 1.183.

PETITION UNDER 37 CFR 1.47(A)

The petition is GRANTED.

Petitioner has shown that the non-signing inventor Hernlem has refused to join in the filing of the above-identified application after having been presented with the application papers. The non-signing inventor's failure to execute the application papers sufficiently establishes that they refuse to execute the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

PETITION UNDER 37 CFR 1.183

Suspension of the rules under 37 CFR 1.183 may be granted in an "extraordinary situation, when justice requires." Petitioner has established that the added inventor Hernlem has refused to execute the statement that the error in inventorship occurred without deceptive intent.

Pursuant to petitioner's request, deposit account 03-2270 will be charged the \$200.00 petition fee under 37 CFR 1.47.

This application is being forwarded to Technology Center 3600 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



BRIDGESTONE AMERICAS HOLDING, INC.
1200 FIRESTONE PARKWAY
AKRON OH 44317

COPY MAILED
OCT 01 2008
OFFICE OF PETITIONS
:
:
:
DECISION GRANTING PETITION
:
UNDER 37 CFR 1.313(c)(2)
:

In re Application of
Xiaorong Wang, et al.
Application No. 11/058,156
Filed: February 15, 2005
Attorney Docket No. P01092US1B

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 22, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 3, 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

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

This application is being referred to Technology Center AU 1796 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

A handwritten signature in black ink that reads "Terri Williams". The signature is written in a cursive, flowing style.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Jones Day**
North Point
901 Lakeside Avenue
Cleveland, OH 44114



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

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

COPY MAILED

JUL 19 2006

OFFICE OF PETITIONS

Applicant: Lange et al.
Appl. No.: 11/058,168
Filing Date: January 16, 2005
Title: IMIDAZOLINE DERIVATIVES HAVING CB1-ANTAGONISTIC ACTIVITY
Attorney Docket No.: 01975.0067-00000
Pub. No.: US 2005/0176601 A1
Pub. Date: August 25, 2005

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 25, 2005, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark O. Polutta at (571) 272-7709 (voice).

Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



BIRCH STEWART KOLASCH & BIRCH
P O BOX 747
FALLS CHURCH, VA 22040-0747

COPY MAILED
NOV 08 2006
OFFICE OF PETITIONS

In re Application of :
Takuo Mizutani et al :
Application No. 11/058,199 : **DECISION DISMISSING PETITION**
Filed: February 16, 2005 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. 0020-5272PUS3 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 6, 2006, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED AS MOOT**.

Unfortunately, the petition was not filed within sufficient time to avert the issuance of this application into a patent. The Electronic Acknowledgment Receipt indicates that the petition was not received in the Office until 19:52:27, which is well after the time a deciding official would have been available to act on the petition to effect the withdrawal of this application from issue prior to the scheduled issue date. Therefore, as the case has now issued, the petition to withdraw from issue cannot be granted.

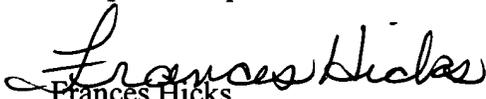
Petitioner's attention is directed to 37 CFR 1.313(d), which states:

A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue**. (Emphasis added)

The request for continued examination (RCE) filed concurrently with the petition is improper in view of the issuance of this application into a patent and will not be processed. Accordingly, the \$790 filing fee and the \$130 petition fee submitted are unnecessary and will be refunded to petitioner's deposit account in due course.

The Information Disclosure Statement has been made of record in the file of the above-identified application without further consideration. See 37 CFR 1.97(i).

Telephone inquiries should be directed to the undersigned at (571) 272-3218.


Frances Hicks
Petitions Examiner
Office of Petitions



BIRCH STEWART KOLASCH & BIRCH
P O BOX 747
FALLS CHURCH, VA 22040-0747

COPY MAILED

NOV 08 2006

OFFICE OF PETITIONS

In re Application of :
Takuo Mizutani et al :
Application No. 11/058,200 : **DECISION DISMISSING PETITION**
Filed: February 16, 2005 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. 0020-5272PUS2 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 6, 2006, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED AS MOOT**.

Unfortunately, the petition was not filed within sufficient time to avert the issuance of this application into a patent. The Electronic Acknowledgment Receipt indicates that the petition was not received in the Office until 19:46:58, which is well after the time a deciding official would have been available to act on the petition to effect the withdrawal of this application from issue prior to the scheduled issue date. Therefore, as the case has now issued, the petition to withdraw from issue cannot be granted.

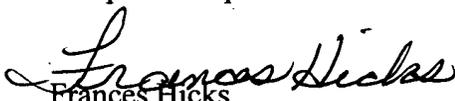
Petitioner's attention is directed to 37 CFR 1.313(d), which states:

A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue**. (Emphasis added)

The request for continued examination (RCE) filed concurrently with the petition is improper in view of the issuance of this application into a patent and will not be processed. Accordingly, the \$790 filing fee and the \$130 petition fee submitted are unnecessary and will be refunded to petitioner's deposit account in due course.

The Information Disclosure Statement has been made of record in the file of the above-identified application without further consideration. See 37 CFR 1.97(i).

Telephone inquiries should be directed to the undersigned at (571) 272-3218.


Frances Hicks
Petitions Examiner
Office of Petitions



UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date : 8/4/2009
Patent No. : 7,561,980 B2
Serial No. : 11/058,232
Inventor(s) : Yen et al.
Issue Date : January 14, 2009
Title : TRANSMISSION MEDIUM TESTING APPARATUS AND METHOD
Doc./File No. : 251812-1060

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 error(s) in your request, drawing figure 2 is printed in accordance with the final approved drawing dated and entered on 4/28/09. The change(s) requested cannot be made, the certificate of correction branch does not alter or make changes to previously approved drawings. Therefore, a drawing sheet illustrating figure 2 must be submitted and approved by the examiner prior to be considered for a certificate of correction. No correction is in order here.

In view of the foregoing, your request in this matter is 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

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994

ecw



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

RALPH A. DOWELL OF DOWELL & DOWELL P.C.
2111 EISENHOWER AVE
SUITE 406
ALEXANDRIA, VA 22314

COPY MAILED

MAR 13 2008

OFFICE OF PETITIONS

In re Application of :
Mandelis et al. :
Application No. 11/058,233 : **DECISION ON PETITION**
Filed: February 16, 2005 :
Attorney Docket No. 16142 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 19, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center 2877 for further examination on the merits.


Liana Walsh
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN 2041 AU AUSTRALIA**

COPY MAILED

JUN 06 2007

OFFICE OF PETITIONS

In re Application of :
Silverbrook, Kia :
Application No. 11/058,238 :
Filed: February 16, 2005 :
Attorney Docket No. ZF213US :

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 18, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

This matter is being referred to Technology Center 2800 for further examination on the merits.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : December 9, 2009

TO SPE OF : ART UNIT 2838

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/058239 Pat no. 7355864

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**

Magdalene Talley

**Certificates of Correction Branch
571-272-0423**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

/Monica Lewis/

2838

SPE

Art Unit



NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

COPY MAILED

MAR 17 2008

OFFICE OF PETITIONS

In re Application of :
Maurice Gifford et al :
Application No. 11/058,256 :
Filed: February 16, 2005 :
Attorney Docket No. 36-1886 :

ON PETITION

This is a decision on the petition, filed March 13, 2008 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

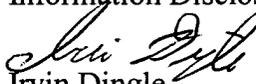
The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 26, 2008 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2624 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).



ROBERT J. GERRITSEN
4539 CONCORD PL.
BURLINGTON ON L7L-1J5 CA CANADA

COPY MAILED

APR 18 2008

OFFICE OF PETITIONS

In re Application of :
Robert J. Gerritsen :
Application No. 11/058,262 : **DECISION ON PETITION**
Filed: February 16, 2005 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 29, 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 above-identified application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed February 27, 2007, which set a shortened statutory period for reply of one (1) month. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on March 28, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks items 1, 2 and 3.

In particular, no response to Restriction Requirement mailed February 27, 2007 was filed. A copy of this office action is enclosed. Also, no petition fee as set forth in 37 CFR 1.17(m) was filed. This fee is currently \$770.00 for small entities and \$1540.00 for large entity filers. Moreover, the petition did not include the precise language for the statement of unintentional delay ("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."). Form PTO/SB/64 may be helpful in filing a renewed petition, and this form can be found on the internet at www.uspto.gov.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to Thuy Pardo at (571) 272-6052 or in her absence, the undersigned at (571)272-7099.



for David A. Bucci
Petitions Examiner
Office of Petitions

Encl:
(1) Restriction Requirement mailed February 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.
11/058,262	02/16/2005	Robert J. Gerritsen		6738

7590 02/27/2007
ROBERT J. GERRITSEN
4539 CONCORD PL.
BURLINGTON, ON L7L-1J5
CANADA

EXAMINER

CLEMENTE, ROBERT ARTHUR

ART UNIT PAPER NUMBER

1724

SHORTENED-STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
31 DAYS	02/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 11/058,262	Applicant(s) GERRITSEN, ROBERT J.	
	Examiner Robert A. Clemente	Art Unit 1724	

- 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 _____.
- 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) _____ 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) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1 – 4, drawn to a method of making Basalt fabric filter media by knitting, classified in class 66, subclass 79.
 - II. Claims 6 – 7, drawn to a fabric filter media product, classified in class 55, subclass 527.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process as claimed can be used to make another and materially different product such as a fabric insulation material made from Basalt fibers.
3. 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.
4. 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

Art Unit: 1724

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.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Clemente whose telephone number is (571) 272-1476. The examiner can normally be reached on M-F, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Smith Duane can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1724

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.

Robert A Clemente
Examiner
Art Unit 1724

RAC

DUANE SMITH
PRIMARY EXAMINER

D - [Signature]
2-26-07



ROBERT J. GERRITSEN
4539 CONCORD PL.
BURLINGTON ON L7L-1J5 CA CANADA

COPY MAILED

OCT 08 2008

In re Application of	:	OFFICE OF PETITIONS
Robert J. GERRITSEN	:	
Application No. 11/058,262	:	DECISION ON PETITION
Filed: February 16, 2005	:	
Attorney Docket No.	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 17, 2008, and resubmitted June 23, 2008, to revive the above-identified application. The renewed petition was filed within two months of the April 18, 2008 decision on the petition filed 10-30-07.

The petition is **GRANTED**.

The above identified application became abandoned for failure to reply in a timely manner to the requirement for restriction/election, mailed February 27, 2007, which set a shortened statutory period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 28, 2007.

The renewed petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an restriction/election, (2) the petition fee of \$770, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Karin Reichle at (571) 272-6051.

This application is being referred to Technology Center AU 1724 for appropriate action by the Examiner in the normal course of business on the reply received June 17, 2008.



David Buccì
Petitions Examiner
Office of Petitions



SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN NSW 2-041
AUSTRALIA AIR MAIL

COPY MAILED

MAR 10 2006

OFFICE OF PETITIONS

In re Application of :
Kia Silverbrook :
Application No. 11/058,264 :
Filed: February 16, 2005 :
Attorney Docket No. ZF214US :

DECISION ON PETITION

This is a decision on the Petition for Withdrawal of a Recorded Terminal Disclaimer under 37 CFR 1.182, filed December 22, 2005, requesting that the Office withdraw the terminal disclaimer submitted on May 12, 2005.

Applicant requests the withdrawal of the terminal disclaimer filed May 12, 2005 in the present application with respect to claims 1-4, 6 and 7 of Application No. 10/780,623. Applicant states that the terminal disclaimer of May 12, 2005 was directed to claims 1-4, 6 and 7 of Application No. 10/780,623, which clearly do not claim subject matter pertaining to the present application.

The Examiner has reviewed applicant's arguments and concurs. Accordingly, the petition is granted.

This matter is being referred to Technology Center Art Unit 2853 for correction of PALM and file records consistent with this decision.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
FROM DIRECTORS OFFICE

JUN 27 2005

TECHNOLOGY CENTER 3600

Brian Roffe, Esq.
11 Sunrise Plaza, Suite 303
Valley Stream, NY 11580-6170

In re application of : **DECISION ON PETITION**
David S. Breed, et al. : **TO MAKE SPECIAL**
Application No. 11/058,337 : **(APPLICANT'S AGE)**
Filed: February 15, 2005 :
For: METHODS FOR PROVIDING A MEMORIAL

This is a decision on the petition submitted on April 20, 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 passport for David S. Breed 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**.

A handwritten signature in black ink, reading "Randolph A. Reese". The signature is written in a cursive style and is positioned above a horizontal line.

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
571-272-6619

RAR/dcg: 6/3/05

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : Nov. 14, 2008

TO SPE OF : ART UNIT 2827

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/058374 /7123510

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580**

Magdalene Talley
Certificates of Correction Branch
703-308-9390 ext. 116

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____





FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON MA 02199-7610

MAILED

FEB 02 2009

OFFICE OF PETITIONS

In re Application of :
STEWART, Andrew F. et al. :
Application No. 11/058,384 : **DECISION ON PETITION**
Filed: February 15, 2005 : **TO WITHDRAW**
Attorney Docket No. **054318-0103 VAS-001US** : **FROM RECORD**

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 30, 2008.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

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 the customer number listed in our records is 48329 not 22428.

The request to withdraw less than all attorneys appointed by customer number 22428 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 Tredelle Jackson at 571-272-2783.


Tredelle D. Jackson
Paralegal Specialist
Office of Petitions



Howard IP Law Group
P.O. Box 226
Fort Washington, PA 19034

COPY MAILED

MAY 12 2008

In re Application of :
Frank J. DiSanto, et al. :
Application No. 11/058,402 : **DECISION ON PETITION**
Filed: February 15, 2005 : **TO WITHDRAW**
Attorney Docket No. : **FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 10, 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 Edward J. Howard 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.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Frank J. DiSanto**
27 Par Court
North Hills, NY 11030

cc: **The Pievy Law Firm**
10 Rutgers Place
Trenton, NJ 08618



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
11/058,402	02/15/2005	Frank J. DiSanto	

45722
Howard IP Law Group
P.O. Box 226
Fort Washington, PA 19034

CONFIRMATION NO. 3756
POWER OF ATTORNEY NOTICE



Date Mailed: 05/12/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/10/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



BROMBERG & SUNSTEIN LLP
125 SUMMER STREET
BOSTON MA 02110-1618

COPY MAILED

JAN 10 2007

OFFICE OF PETITIONS

In re Application of :
Ryan K. Larocque et al. :
Application No. 11/058,406 :
Filed: February 15, 2005 :
Attorney Docket No.: 2229/159 :

ON PETITION

This is a decision on the petition filed December 1, 2006, under 37 CFR 1.181 to withdraw the holding of abandonment for the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

The application was held abandoned on March 15, 2006, for failure to timely submit a timely response to the non-Final Office Action December 14, 2005, which set a three month period for reply. The instant petition and this decision precede the mailing of the Notice of Abandonment.

Petitioner asserts that a response was filed and, in support, petitioner has submitted, *inter alia*, a copy of the response in the form of an amendment and a post card receipt date stamped March 10, 2006 by the USPTO.

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 will be referred to Technology Center 3748 for appropriate action on the amendment filed March 10, 2006, a copy of which was submitted upon petition.

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



COPY MAILED

SEP 18 2007

OFFICE OF PETITIONS

Morrison & Foerster LLP
1650 Tysons Boulevard
Suite 400
McLean, VA 22102

In re Application of :
Thomas Happ et al. :
Application No. 11/058,412 :
Filed: February 16, 2005 :
Attorney Docket No. 543822012100 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 2, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Deborah S. Gladstein on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed July 5, 2007 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Thomas Happ**
14 Madison Avenue
1st Floor
Pleasantville, NY 10570

cc: **Slater & Matsil L.L.P.**
17950 Preston Road
Suite 1000
Dallas, TX 75252


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
11/058,412	02/16/2005	Thomas Happ	543822012100

CONFIRMATION NO. 3767

25227
 MORRISON & FOERSTER LLP
 1650 TYSONS BOULEVARD
 SUITE 400
 MCLEAN, VA 22102



OC000000025872468

Date Mailed: 09/18/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/02/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

FORMER ATTORNEY/AGENT COPY



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

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

COPY MAILED

JUL 20 2007

OFFICE OF PETITIONS

In re Patent No. 7,098,404 :
Issue Date: August 29, 2006 :
Application No. 11/058,415 : **ON PETITION**
Filed: February 16, 2005 :
Attorney Docket No. 05395-0325 :

This is a decision on the petition under 37 CFR 1.182, filed March 23, 2007, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Publishing Division is directed to issue a duplicate Letters Patent.

Any questions concerning this decision may be directed to the undersigned at (571)272-3222. Any questions concerning issuance of the duplicate Letter of Patent should be directed to Krystal Paige at (703)308-9250.

A copy of this decision is being forwarded to the Publishing Division for issuance of duplicate Letters Patent.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc: Krystal Paige, P/OPPD, Crystal Park 3-910 (Fax 571-270-9937)



BEYER WEAVER LLP
P.O. BOX 70250
OAKLAND CA 94612-0250

COPY MAILED

MAY 02 2008

OFFICE OF PETITIONS

In re Application of :
Fu et al. :
Application No. 11/058,432 : **DECISION ON PETITION**
Filed: February 14, 2005 : **UNDER 37 CFR 1.78(a)(3)**
Attorney Docket No. PERLP025/100/1066-10 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 4, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the 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 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).

Accordingly, before the petition under 37 CFR 1.78(a)(3) can be granted, a substitute amendment¹ 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



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

BEYER WEAVER LLP
P.O. BOX 70250
OAKLAND CA 94612-0250

COPY MAILED

JUN 20 2008

In re Application of
Fu et al.
Application No. 11/058,432
Filed: February 14, 2005
Attorney Docket No. PERLP025/100/1066-10

:
:
: **OFFICE OF PETITIONS**
: DECISION GRANTING PETITION
: UNDER 37 CFR 1.78(a)(3)
:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed May 12, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed 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 application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the

examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center Art Unit 1637 for appropriate action on the amendment filed May 12, 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 nonprovisional application.



Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/058,432, 02/14/2005, 1637, 2580, PERLP025/100/1066-10, 40, 4

CONFIRMATION NO. 5776

CORRECTED FILING RECEIPT

22434
BEYER WEAVER LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250



Date Mailed: 06/18/2008

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)

- Glenn Fu, Dublin, CA;
Laura Stuve, San Jose, CA;
John Sheehan, Mountain View, CA;
Amy Ollmann, Redwood City, CA;
Naiping Shen, Saratoga, CA;
Andrew B. Sparks, Saratoga, CA;
Dennis Ballinger, Menlo Park, CA;

Assignment For Published Patent Application

Perlegen Sciences, Inc., Mountain View, CA

Power of Attorney: The patent practitioners associated with Customer Number 022434

Domestic Priority data as claimed by applicant

This application is a CIP of 10/377,123 02/26/2003

Foreign Applications

If Required, Foreign Filing License Granted: 03/12/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/058,432

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Selection probe amplification

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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

**LAW OFFICES OF CHARLES E. KRUEGER
P.O. BOX 5607
WALNUT CREEK CA 94596-1607**

MAILED

JUL 28 2009

OFFICE OF PETITIONS

In re Application of :
Micheal D. Doyle :
Application No. 11/058,436 :
Filed: February 14, 2005 :
Attorney Docket No. 001-3-1 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 24, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 23, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A three (3) month extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is April 24, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Newton Edwards at (571) 272-6052 or in his absence to the undersigned at (571) 272-7099.

This application is being referred to Technology Center AU 2452 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.



David Bucchi
Petitions Examiner
Office of Petitions



LAW OFFICES OF RONALD M ANDERSON
600 108TH AVE, NE
SUITE 507
BELLEVUE WA 98004

COPY MAILED

NOV 29 2005

In re Application of	:	OFFICE OF PETITIONS
Charles J. CALL et al.	:	
Application No. 11/058,442	:	DECISION ON PETITION
Filed: February 15, 2005	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. MESO0060	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 11, 2005, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of the prior-filed nonprovisional 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) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1)

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---,

filed---," does not comply with 37 CFR 1.72(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. See MPEP Section 201.11, Rev. 2; May 2004, Reference to Prior Application. The amendment filed October 11, 2005 fails identify each prior-filed application by application number (consisting of the series code and serial number), i.e., the reference to a prior-filed application solely by its patent number is improper.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) and a substitute amendment or an Application Data Sheet (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) which state the relationship of the prior-filed application to this application are required.

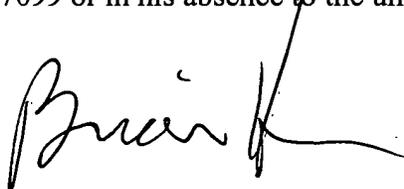
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to David A. Bucci at (571) 272-7099 or in his absence to the undersigned at (571) 272-3217.

A handwritten signature in black ink, appearing to read "Brian Hearn", with a long horizontal flourish extending to the right.

Brian Hearn
Petitions Examiner
Office of Petitions



LAW OFFICES OF RONALD M ANDERSON
600 108TH AVE, NE
SUITE 507
BELLEVUE WA 98004

COPY MAILED

JAN 27 2006

In re Application of	:	
Charles J. CALL et al.	:	OFFICE OF PETITIONS
Application No. 11/058,442	:	DECISION ON PETITION
Filed: February 15, 2005	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. MESO0060	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed December 12, 2005, 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 Commissioner may require additional information where there is a question whether the delay was unintentional.

All the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed 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

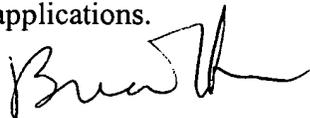
Application No. 11/058,442

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 David Bucci at (571) 272-7099. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1743 for appropriate action on the amendment filed December 12, 2005, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.



Brian Hearn
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MERCK AND CO., INC
P O BOX 2000
RAHWAY NJ 07065-0907

MAILED

MAR 13 2009

In re Application :
Nagase, et al. : **OFFICE OF PETITIONS**
Application No. 11/058,444 : PATENT TERM ADJUSTMENT
Filed: February 14, 2005 :
Dkt. No.: 09657/0202540-USO :

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)." This matter is being properly treated as an application for patent term adjustment pursuant to 37 CFR 1.705(b). The application for patent term adjustment was timely filed January 27, 2009, along with issue fee payment.

The Determination of Patent Term Adjustment under 35 USC 154(b) was mailed October 28, 2008. Applicant contests the adjustment insofar as it relates to the Office's failure to issue the patent within three years of the filing date of the application pursuant to 37 CFR 1.703(b) in view of Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008).

To the extent that this application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, a decision is being **held in abeyance** until after the actual patent date. Knowledge of the actual date the patent issues is ordinarily required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See, 37 CFR 1.703(b). It is noted that at the time of this decision, the patent has not issued.

Applicants are given **TWO (2) MONTHS** from the issue date of the patent to file a written request for reconsideration of the patent term adjustment for Office failure to issue the patent within 3 years. A copy of this decision should accompany the request. Applicants may seek such consideration without payment

of an additional fee. However, as to all other bases for seeking reconsideration of the patent term adjustment indicated in the patent, all requirements of § 1.705(d) must be met. Requests for reconsideration on other bases must be timely filed and must include payment of the required fee.

With respect to the over 3 year calculation, rather than file the request for reconsideration of Patent Term Adjustment at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term pursuant to 37 CFR 1.705(d). The USPTO notes that it does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent and accordingly, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to the Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery Fries

Kery Fries
Senior Patent Attorney
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Adjusted PAIR Calculation



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

MERCK AND CO., INC
P O BOX 2000
RAHWAY NJ 07065-0907

COPY MAILED

NOV 23 2009

In re Patent No. 7,521,455
Issued: April 21, 2009
Application No. 11/058,444
Filed: February 14, 2005
Dkt. No.: 09657/0202540-US0

OFFICE OF PETITIONS

:
:
: PATENT TERM ADJUSTMENT
:
:

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)," filed June 18, 2009. Patentee requests correction of the patent term adjustment from 635 days to 817 days. Patentee requests this correction on the sole basis that the Office took in excess of three years to issue the above-referenced patent.

The application for patent term adjustment (PTA) under 37 CFR 1.705(d) is **DISMISSED**.

The above-identified application matured into U.S. Pat. No. 7,521,455 on June 14, 2009. The patent issued with a patent term adjustment of 635 days. Patentee argues that in view of Wyeth v. Dudas, Civil Action No. 07-1492, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. Sept. 30, 2008), the patent is entitled to an adjustment of 817 days (635 days pursuant to 35 USC 154(b)(1)(A) plus 182 days pursuant to 35 USC 154(b)(1)(B)).

Patentees request that a decision on this request for reconsideration of patent term adjustment be deferred or delayed until a final decision is rendered in Wyeth v. Dudas, *supra*. There is no specific regulatory provision for requesting that a petition under 37 CFR 1.705(d) be held in abeyance. Accordingly, the request to hold in abeyance a decision on the merits of the instant application for patent term adjustment is **DISMISSED**.

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.

The Office asserts that as of the filing of the request for continued examination (RCE) on August 14, 2008, the application was pending three years and 181 days after its filing date (February 15, 2008 to August 13, 2008). The Office agrees that certain action was not taken within the specified time frame, and thus, the entry of a period of adjustment of 635 days is correct. At issue is whether patentees should accrue 181 days of patent term adjustment for the Office taking in excess of three years to issue the patent, as well as 635 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that the period of 181 days of delay in issuing the patent overlaps with the 635 days of examination delay under 37 CFR 1.702(a). 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:

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 § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 54366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004).

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

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.

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.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay “overlap” under 35 U.S.C. 154(b)(1)(A) is the period during which the application was pending before the Office beginning on the application filing date under 35 U.S.C. 111(a), February 14, 2005, and ending on August 13, 2008, the day before the date that the RCE was filed on August 14, 2008.

Pursuant to 35 U.S.C. 154(b)(1)(A) and 37 CFR 1.702(a)(1), 635 days of patent term adjustment were accorded during the pendency of the application for Office delay prior to the filing of the RCE. Pursuant to 35 U.S.C. 154(b)(1)(B) and 37 CFR 1.702(b), 181 days of patent term adjustment accrued at the time of submission of the RCE for Office issuance of the patent more than three years after the application filing date.

The 181 days of patent term adjustment under 37 CFR 1.702(b) overlaps with the 635 days of patent term adjustment under 37 CFR 1.702(a)(1). Entry of both the 181 days and the 635 days is neither permitted nor warranted given that 635 days is the actual number of days issuance of the patent was delayed at the time of submission of the RCE.

Accordingly, at issuance, the Office properly entered 635 days of patent term adjustment, having considered the 181 days of Office delay under the three-year pendency provision in conjunction with the 635 days of delay under 37 CFR 1.702(a)(1).

In view thereof, no adjustment to the patent term will be made.

No additional fees are due in connection with this matter.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3205.



Alesia M. Brown
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Merck
PO Box 2000
Rahway NJ 07065-0907

MAILED

MAY 19 2010

OFFICE OF PETITIONS

In re Patent No. 7,521,455 :
Nagase et al. : DECISION UPON REMAND AND
Issue Date: April 21, 2009 : RECONSIDERATION OF
Application No. 11/058,444 : PATENT TERM ADJUSTMENT
Filed: February 14, 2005 : AND NOTICE OF INTENT
Attorney Docket No. : TO ISSUE CERTIFICATE OF
09657/0202546.US0 : CORRECTION
Title: Fused Ring 4- :
Oxopyrimidine Derivative :

This is a decision following remand from the District Court for the District of Columbia regarding the patent term adjustment indicated on the above-identified patent. The Court remanded this matter to the U.S. Patent and Trademark Office for recalculation of the patent term adjustment in accordance with the decision in Wyeth & Elan Pharma Int'l Ltd. v. Kappos, 591 F.3d 1364 (Fed. Cir. 2010).

The patent term adjustment indicated on the above-identified patent has been recalculated as directed by the Court. The term of the above-identified patent is extended or adjusted by eight hundred and sixteen (816) days.

The application is being forwarded to the Certificates Branch for issuance of a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by eight hundred and sixteen (816) days.

Telephone inquiries specific to this matter should be directed to Senior Legal Advisor, Kery A. Fries at (571) 272-7757.

/Kery A. Fries/

Kery A. Fries
Senior Legal Advisor Attorney

Patent No. 7,521,455 Application No. 11/058,444
Office of Patent Legal Administration
Office of Associate Commissioner
For Patent Examination Policy

Page 2

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,521,455 B2

DATED : February 14, 2005

DRAFT

INVENTOR(S) : Nagase 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 635 days.

Delete the phrase "by 635 days" and insert – by 816 days--

Day : Tuesday
Date: 5/18/2010

PALM INTRANET

Time: 09:27:57

PTA Calculations for Application: 11/058444			
Application Filing Date:	02/14/2005	PTO Delay (PTO):	635
Issue Date of Patent:	04/21/2009	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	816
PTO Delay Adjustment:	181		

File Contents History					
Number	Date	Contents Description	PTO	APPL	START
79	05/14/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	181		
72.5	04/01/2009	PTA 36 MONTHS			
72	04/21/2009	PATENT ISSUE DATE USED IN PTA CALCULATION			
71	03/23/2009	EXPORT TO FINAL DATA CAPTURE			
70	03/18/2009	DISPATCH TO FDC			
69	03/13/2009	MAIL-PETITION DECISION - DISMISSED			
68	03/13/2009	PETITION DECISION - DISMISSED			
67	01/27/2009	PETITION ENTERED			
66	02/02/2009	APPLICATION IS CONSIDERED READY FOR ISSUE			
65	01/27/2009	ISSUE FEE PAYMENT VERIFIED			
63	01/27/2009	ISSUE FEE PAYMENT RECEIVED			
62	10/31/2008	EXPORT TO INITIAL DATA CAPTURE			
61	10/28/2008	MAIL NOTICE OF ALLOWANCE			
60	10/27/2008	ISSUE REVISION COMPLETED			
59	10/27/2008	DOCUMENT VERIFICATION			
58	10/27/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
57	10/27/2008	NOTICE OF ALLOWABILITY			
56	08/14/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
55	08/25/2008	PRELIMINARY AMENDMENT			
54	09/15/2008	FINISHED INITIAL DATA CAPTURE			
53	08/14/2008	REFERENCE CAPTURE ON IDS			
52	08/14/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			

51	09/03/2008	DATE FORWARDED TO EXAMINER			
50	08/14/2008	REQUEST FOR CONTINUED EXAMINATION (RCE)			
49	09/03/2008	DISPOSAL FOR A RCE / CPA / R129			
48	08/25/2008	WORKFLOW - QUERY REQUEST - FINISH			
47	06/16/2008	TC RETURN TO PUBS			
46	08/14/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
45	08/14/2008	WORKFLOW - REQUEST FOR RCE - BEGIN			
44	06/16/2008	PUBS CASE REMAND TO TC			
43	06/23/2008	WORKFLOW - QUERY REQUEST - BEGIN			
42	05/19/2008	EXPORT TO INITIAL DATA CAPTURE			
41	05/16/2008	MAIL NOTICE OF ALLOWANCE			
40	05/16/2008	ISSUE REVISION COMPLETED			
39	05/16/2008	DOCUMENT VERIFICATION			
38	05/09/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
37	05/09/2008	CASE DOCKETED TO EXAMINER IN GAU			
36	05/09/2008	NOTICE OF ALLOWABILITY			
35	02/08/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
29	02/08/2008	REFERENCE CAPTURE ON IDS			
28	03/25/2008	CORRESPONDENCE ADDRESS CHANGE			
27	02/08/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	25
26	03/24/2008	DATE FORWARDED TO EXAMINER			
25	02/08/2008	RESPONSE TO ELECTION / RESTRICTION FILED			
24	02/08/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
23	01/09/2008	MAIL RESTRICTION REQUIREMENT	635		-1
22	01/07/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
16	04/28/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
15	06/16/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
14.7	06/16/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	06/16/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	06/22/2005	IFW TSS PROCESSING BY TECH CENTER			

		COMPLETE			
12	06/22/2005	CASE DOCKETED TO EXAMINER IN GAU			
11	04/28/2005	REFERENCE CAPTURE ON IDS			
10.7	04/28/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	04/28/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	04/28/2005	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
8	05/11/2005	APPLICATION DISPATCHED FROM OIPE			
7	05/11/2005	APPLICATION IS NOW COMPLETE			
6	04/28/2005	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
5	04/28/2005	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
4	03/14/2005	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
3	03/05/2005	CLEARED BY OIPE CSR			
2	03/02/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	02/14/2005	INITIAL EXAM TEAM NN			

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to [OASIS](#) | Home page

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appn. Number: New 111058455
Filing Date: Feb 14, 2005
Applicant: Gerhardt Woodrow Van Drie
Examiner/ AU: Not Assigned 1724
Application Title: An Integrated Fixed Film Activated Sludge System
Agent Docket Number: Vandri.G-15

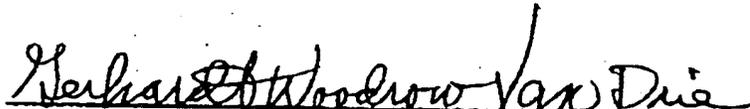
PETITION TO MAKE SPECIAL MPEP Sec. 708.02 (IV)

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450
ATT: OFFICE OF PETITIONS

Commissioner for Patents:

Pursuant to 37 C.F.R. Section 1.102(c) and M.P.E.P. 708.02 IV (Accelerated Examination), applicant hereby files this Petition in the United States Patent and Trademark Office to make special the prosecution in the above-identified application (filed concurrently) and advance this application for examination and advise applicant thereof. This petition is based on the grounds that the applicant is 65 years of age or older, having a date of birth of 9-4-25. No fee is required in this petition.

Very respectfully,

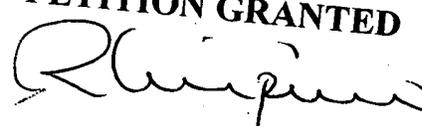

Gerhardt Woodrow VanDrie, Applicant

Please direct all communications to Mr. Gene Scott, Patent Law & Venture Group, 3140 Red Hill Avenue, Suite 150, Costa Mesa, CA 92626. Phone: (714) 668-1900; Fax: (714) 668-0583

CERTIFICATION

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express mail in an envelope addressed to: "Box: Non-Fee Petition, Commissioner of Patents, PO Box 1450, Alexandria, VA 22313-1450," on 2/14/05, date of deposit.

Signature: 
Person Mailing This Document

4120
PETITION GRANTED

Richard Crispino
Special Program Examiner
Technology Center 1700
JUN 14 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAXWELL TECHNOLOGIES, INC. (OPLF)
9244 BALBOA AVENUE
SAN DIEGO CA 92123

COPY MAILED

SEP 30 2009

OFFICE OF PETITIONS

In re Application of :
Robert A. HILLMAN :
Application No. 11/058,468 :
Filed: February 15, 2005 :
Attorney Docket No. M088.P-049 :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 25, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of January 07, 2009, which set a shortened statutory period for reply of three (3) months. A three (3) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Since the amendment submitted does not *prima facie* place the application in condition for allowance, the reply required must be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b). Accordingly, the application became abandoned on July 08, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405.00, and the submission required by 37 CFR 1.114; (2) the petition fee of \$810.00; and (3) a proper statement of unintentional delay. Accordingly, the reply to the final Office action of January 07, 2009 is accepted as having been unintentionally delayed.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 2187 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.



Michelle R. Eason
Paralegal Specialist
Office of Petition

cc: **CARL OPPEDAHL**
P.O. BOX 5940
DILLON, CO 80435-5940



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

LAW OFFICES OF ROY ANDERSON
3541 OCEAN VIEW BLVD
GLENDALE CA 91208

COPY MAILED

OCT 23 2006

OFFICE OF PETITIONS

In re Application of	:	
Wong	:	
Application No. 11/058,471	:	DECISION ON PETITION
Filed: February 14, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. RLA35.114	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 7, 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 declaration statement signed by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3711 for action on the merits commensurate with this decision.

April M. Wise
April M. Wise
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov
DW Aug-07

GALASSO & ASSOCIATES, LP
P.O. BOX 26503
AUSTIN TX 78755-0503

COPY MAILED

AUG 08 2007

OFFICE OF PETITIONS

In re Application of :
Miner et al. :
Application Number: 11/058474 : DECISION ON PETITION
Filing Date: 02/15/2005 :
For: FINGER NAIL AND TOE NAIL :
DECORATING KIT :

This is a decision on the petition filed on 17 May, 2007, under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 14 October, 2006, for failure to timely file a timely reply to the non-final Office action for Applications Under Accelerated Examination, which set a one (1) month shortened statutory period for reply. Notice of Abandonment was mailed on 26 April, 2007.

Petitioner has filed an amendment as the required reply.

The application is being referred to Technology Center Art Unit 3732 for further processing.

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).

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

A handwritten signature in black ink, appearing to read "D Wood". The signature is written in a cursive, slightly slanted style.

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

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor,
San Francisco, California 94111-3834

COPY MAILED
SEP 24 2008

In re Application of :
Kraft et al. :
Application No. 11/058,477 :
Filed: February 14, 2005 :
Attorney Docket No. 017887-015400US :
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 15, 2005.

The request is **MOOT**.

A review of the file record indicates that the power of attorney to TOWNSEND and TOWNSEND and CREW LLP has been revoked by the assignee of the patent application on January 3, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the correspondence address of record until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4914.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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

MARGER JOHNSON & MCCOLLOM, P.C.
210 SW MORRISON STREET, SUITE 400
PORTLAND, OR 97204

Mail Date: 06/24/2010

Applicant : Mehryar Khalili Garakani : DECISION ON REQUEST FOR
Patent Number : 7639403 : RECALCULATION of PATENT
Issue Date : 12/29/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/058,491 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/14/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.



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
01w 03-05

HUGHES LAW FIRM, PLLC
PACIFIC MERIDIAN PLAZA, SUITE 302
4164 MERIDIAN STREET
BELLINGHAM WA 98226-5583

COPY MAILED

OCT 07 2005

OFFICE OF PETITIONS

In re Application of :
Herbert K. Krause :
Application No. 11/058,493 : ON PETITION
Filed: 14 February, 2005 :
Atty Docket No. P115266 :

This is a decision in reference to the petition filed on 14 July, 2005, which is treated as a petition under 37 CFR 1.53 requesting that the above identified application be accorded a filing date of 14 February, 2005, with nine (9) sheets of drawings, as a part of the original disclosure.

The petition is dismissed.

The application was filed, without drawings, on 14 February, 2005. On 11 May, 2005, Initial Patent Examination Division mailed a Notice of Incomplete Nonprovisional Application, stating the application was deposited without drawings, and that the filing date would be the date that drawings as required by 35 U.S.C. § 113 (first sentence) were filed in the Office. A two (2)-month period for reply was set. On 14 July, 2005, applicants filed the present petition and nine (9) sheets of drawings.

Petitioner asserts that a complete application, including the drawings, was received in the USPTO on 14 February, 2005. Petitioners have included a statement by petitioner's registered patent attorney, Robert B. Hughes, that counsel's secretary, Carole Petralli, compiled the application, and that attorney Hughes specifically remembers that the drawings were included among the application papers sent to the USPTO on 14 February, 2005.

The arguments have been considered, but are not persuasive. The U.S. Patent and Trademark Office (Office) file is the official record of the papers originally filed in this application. A review of the papers originally filed reveals that no pages of

specification were filed on 14 February, 2005. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence.

The Office file is the official record of the papers originally filed in this application. Where the records of the Office (e.g., the file of the application) contain any document(s) or fee(s) corresponding to the contents of the correspondence at issue, the Office will rely upon its official record of the contents of such correspondence in the absence of convincing evidence (e.g. a postcard receipt under MPEP 503 containing specific itemization of the document(s) or fee(s) purported to have been filed with the correspondence at issue) that the Office received and misplaced any document(s) or fee(s) that is not among the official records of the Office.

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. The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard.¹

The argument and evidence presented are not persuasive. Counsel's declaration was made nearly five (5) months after the events in question and recites declarant's recall of the preparation and filing of the application with the USPTO. Although petitioner states that counsel specifically recalls this application because counsel wanted to ensure that the correct drawings were sent with this application, the application does not appear to be unusual and it is not understood why the filing of this particular application would stand out in such detail in declarant's memory, particularly in view of the fact that declarant's prepared and mailed similar papers to the PTO on a routine, daily basis. Additionally, petitioner did not supply an affidavit by Ms. Petralli, the individual who placed the application papers in the Express Mail envelope application.

Further, petitioner's statement that the drawings were scanned into counsel's computer files does not serve as evidence that the

¹ MPEP 503.

drawings were received in the USPTO. Rather, the record of counsel's files reflects what petitioner intended to file with the application papers, not what was actually received in the USPTO.

It is noted that had petitioner utilized an itemized return postcard in accordance with Section 503 of the Manual of Patent Examining Procedure (MPEP), petitioner could have avoided the predicament that has now occurred. 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 of the items listed thereon on the date stamped thereon by the USPTO. Where the records of the Office (e.g. the file of the application) contain any document(s) or fee(s) corresponding to the contents of the correspondence at issue, the Office will rely upon its official record of the contents of such correspondence in the absence of convincing evidence (e.g. a postcard receipt under MPEP 503 containing specific itemization of the document(s) or fee(s) purported to have been filed with the correspondence at issue) that the Office received and misplaced any document(s) or fee(s) that is not among the official records of the Office. 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. The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard.²

Although petitioner states that a copy of an itemized postcard receipt was included with the petition, no copy of an itemized postcard receipt can be located among the papers received with the present petition. If petitioner did, in fact, file an itemized postcard with the original application papers, and said postcard was stamped by the USPTO with the date the application was received in the Office, a copy of said postcard should be filed with a renewed petition.

Nevertheless, 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

² MPEP 503.

sentence).³ A review of the record reveals that Claims 28-31 are method claims. Therefore, the present application is deemed to be an application which does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date.

The petition is granted. Since the petition was necessitated by an error on the part of the USPTO, the petition fee submitted on 14 July, 2005, is unnecessary. The petition fee will be credited to counsel's deposit account, No. 08-3260, as authorized in the present petition.

The "Notice of Incomplete Nonprovisional Application" mailed on 11 May, 2005, was sent in error and is hereby vacated to the extent that it stated that the application was incomplete.

The application will be processed and examined using only the application papers filed on 14 February, 2005. The nine (9) sheets of drawings filed with the present petition will not be used for processing or examination, but will be retained in the application file. Petitioner may wish to consider filing the drawings with a preliminary amendment. If the drawings are filed with a preliminary amendment, they will be examined for new matter. Alternatively, if petitioner has evidence that the drawings were filed with the application papers, said evidence should be filed with a renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Mail Stop Petition
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

³ MPEP 601.01(f).

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of 14 February, 2005, using only the application papers 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



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

MR. S.H. DWORETSKY
AT&T CORP.
ROOM 2A-207
ONE AT&T WAY
BEDMINSTER, NJ 07921

COPY MAILED

APR 10 2006

OFFICE OF PETITIONS

In re Application of :
Siddhartha Chaudhuri, et al. :
Application No. 11/058,519 : **ON PETITION**
Filed: February 15, 2005 :
Attorney Docket No. ATT/2000-0074C :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 31, 2006, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

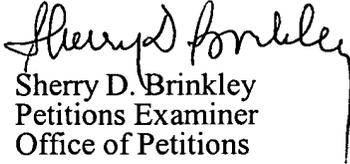
Petitioner is advised that the issue fee paid on March 17, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

It is noted that the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

¹The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

The application is being referred to Technology Center AU 2874 for further processing of the request for continued examination under 37 CFR 1.114 filed March 31, 2006.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: KIN-WAH TONG
PATTERSON & SHERIDAN, LLP
595 SHREWSBURY AVENUE
SHREWSBURY, NJ 07702



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

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE -10TH FLOOR
NEW YORK, NY 10151

COPY MAILED

SEP 22 2006

OFFICE OF PETITIONS

In re Application of :
Teppei Yokota et al :
Application No. 11/058,552 : DECISION GRANTING PETITION
Filed: February 15, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 450100-02743.1 :

This is a decision on the petition, filed September 15, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 15, 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 2621 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\Sept9\058552.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

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.
11/058,553	02/14/2005	Baorui Yang	MI22-2742	6531
21567	7590	04/02/2009	EXAMINER	
WELLS ST. JOHN P.S. 601 W. FIRST AVENUE, SUITE 1300 SPOKANE, WA 99201			ALAM, RASHID A	
			ART UNIT	PAPER NUMBER
			1795	
			MAIL DATE	DELIVERY MODE
			04/02/2009	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.



Mailed: 4/2/09

Re application of:
Yang et al.
Serial No.: 11/058,553
Filed: February 14, 2005
For: METHODS OF FORMING MASK PATTERNS,
METHODS OF CORRECTING FEATURE DIMENSION
VARIATION, MICROLITHOGRAPHY METHODS,
RECORDING MEDIUM AND ELECTRON BEAM
EXPOSURE SYSTEM

DECISION ON
PETITION

This is a decision on the PETITION UNDER 37 C.F.R. 1.84(a)(2) TO ACCEPT COLOR DRAWINGS filed February 14, 2005. The petition includes (1) the fee as required by 37 CFR 1.17(h), (2) three sets of the color photographs, (3) an amendment to the specification which includes the language set forth in 37 CFR 1.84(a)(2)(iii), and (4) an explanation stating why color photographs are necessary.

A review of the application record indicates that all of the requirements for acceptance of color photographs have been met.

The Petition is **GRANTED**.

Mark F. Huff
Supervisory Patent Examiner
Group Art Unit 1795

WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE WA 99201



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
01W Aug-07

GALASSO & ASSOCIATES LP
P.O. BOX 26503
AUSTIN TX 78755-0503

COPY MAILED

AUG 08 2007

OFFICE OF PETITIONS

In re Application of :
Joseph Derosier :
Application Number: 11/058573 : DECISION ON PETITION
Filing Date: 02/15/2005 :
For: ADJUSTABLE LADDER FOR :
PICKUP TRUCKS :

This is a decision on the petition filed on 17 May, 2007, under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is GRANTED.

The application became abandoned on 18 December, 2005, for failure to timely file a timely reply to the Office action requiring restriction and/or election mailed on 17 November, 2005, 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 22 June, 2006.

Petitioner has filed an amendment including an election as the required reply.

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 petition fee will be charged to counsel's deposit account, as authorized in the petition.

The application is being referred to Technology Center Art Unit 3612 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



EMCORE CORPORATION
1600 EUBANK BLVD, S.E.
ALBUQUERQUE NM 87123

COPY MAILED

JUL 07 2005

OFFICE OF PETITIONS

In re Application of :
Sharps, et al. :
Application No. 11/058,595 :
Filed: February 14, 2005 :
Attorney Docket No. 1002XB :
For: METHOD OF FABRICATING A :
MULTIJUNCTION SOLAR CELL WITH A :
BYPASS DIODE HAVING AN INTRINSIC LAYER :

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed May 6, 2005, requesting that Figures 9E and 10, omitted from the initial filing on February 14, 2005, be entered in the above-identified application.

The petition under 37 CFR 1.182 is **DISMISSED**.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The application was filed on February 14, 2005. On April 25, 2005, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (Notice) stating that the application had been accorded a filing date of February 14, 2005, and advising applicants that Figures 9E and 10 referenced in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioners request entry of Figures 9E and 10. Petitioners have submitted a copy of the declaration filed in parent application no. 10/773,343.

The mailing of this particular Notice permitted applicants to either: **(Option 1)** promptly establish prior receipt in the PTO of the items at issue (generally by way of a date-stamped postcard receipt (MPEP 503)); or **(Option 2)** promptly submit the omitted items in a nonprovisional application

and accept the date of such submission as the application filing date; or **(Option 3)** accept the application as filed.

An applicant asserting that the missing items were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. (Option 1)

An applicant desiring to submit the omitted items in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted items with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(f)) requesting the later filing date within two months of the date of the Notice (37 CFR 1.181(f)). (Option 2)

In this case, petitioners neither assert that the missing figures were actually deposited in the PTO on February 14, 2005 (Option 1), nor request the date of submission of the drawings as the filing date of the application (Option 2).

Instead, petitioners request entry of the omitted drawings without requesting the later filing date and without submitting a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items.

Petitioners must select either Option 1 or Option 2 set forth above.

The filing date of the application remains February 14, 2005 without Figures 9E and 10 as part of the original disclosure.

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 until 7/15/05: (703) 872-9306 – ATTN: Office of Petitions

By FAX after 7/15/05: (571) 273-8300 - ATTN: Office of Petitions

The application is being returned to Initial Patent Examination Division for further processing with a filing date of **February 14, 2005**, and indication in Office records that 12 sheets of drawings were present on filing. Figures 9E and 10 will not be considered part of the original disclosure.

Telephone inquiries specific to 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

cc: THOMAS V. DELROSARIO
WHITE & CASE LLP
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 10036



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

BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

Mail Date: 04/21/2010

Applicant : Hiroharu Matsuoka : DECISION ON REQUEST FOR
Patent Number : 7612070 : RECALCULATION of PATENT
Issue Date : 11/03/2009 : TERM ADJUSTMENT IN VIEW
Appliction No : 11/058,597 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/16/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1114** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

Mail Date: 04/20/2010

Applicant : Hyungchan Kim : DECISION ON REQUEST FOR
Patent Number : 7648797 : RECALCULATION of PATENT
Issue Date : 01/19/2010 : TERM ADJUSTMENT IN VIEW
Appliction No : 11/058,605 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/16/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **174** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

MAY 21 2007

OFFICE OF PETITIONS

**Morrison & Foester, LLP
755 Page Mill Road
Palo Alto, CA 94304-1018**

In re Application of
Ralph A. Dalla Betta
Application No. 11/058,615
Filed: February 14, 2005
Attorney Docket No. 220772011900

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 13, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Charles D. Holland on behalf of all attorneys of record. All attorneys/agents have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The power of attorney submitted on March 9, 2007 is not acceptable since it fails to satisfy the provisions of 37 CFR 3.73(b). In this regard, while the box on the statement under 37 CFR 3.73(b) indicates that the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation, the statement is incomplete in that it fails to set forth the chain of title from the inventors of the patent application to the current assignee (i.e., from the inventors to Catalytica Energy Systems Inc. at reel 018390 and frame 0438, and from Catalytica Energy Systems, Inc. to Eaton Corporation at reel ___ and Frame ___). See Section B on the Statement under 37.CFR 3.73(b) form. Further, assignment records do not reflect that an assignment to the assignee noted on the statement under 37 CFR 3.73(b) (Eaton Corporation) has been recorded nor do finance records reflect that a fee therefore was submitted

for the recordation of the assignment to Eaton Corporation. If the assignee of the entire interest under 37 CFR 3.71 desires to intervene in this application or appoint counsel to represent him, then the appropriate power of attorney documents must be submitted. *Note* 37 CFR 3.73(b). A courtesy copy of this decision is being mailed to the address noted in the petition.

All correspondence will be mailed to the assignee at the address noted in the power of attorney filed May 16, 2005, until otherwise notified by the assignee.

There are no outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.


Frances Hicks
Petitions Examiner
Office of Petitions

cc: Catalytica Energy Systems, Inc.
1388 N. Tech Boulevard
Gilbert, AZ 85233

cc: Paul V. Keller
4585 Liberty Road
South Euclid, OH 44121


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 (e) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/058,615	02/14/2005	Ralph A. Dalla Betta	220772011900

CONFIRMATION NO. 7255

 25226
 MORRISON & FOERSTER LLP
 755 PAGE MILL RD
 PALO ALTO, CA 94304-1018


OC000000023905361

Date Mailed: 05/17/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/13/2007.

- 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



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

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

Mail Date: 04/22/2010

Applicant	: Sridhar Varadarajan	: DECISION ON REQUEST FOR
Patent Number	: 7640438	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/058,622	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1067** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



JGJR.: 08-07

Paper No: ___

COPY MAILED

SEP 04 2007

OFFICE OF PETITIONS

DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
PO BOX 5052
TROY MI 48007

In re Application of	:	
Yegin, et al.	:	DECISION
Application No.: 11/058,647	:	
Filing Date: 15 February, 2005	:	
Attorney Docket No. DP-310924	:	

This is a decision on the petition filed on 12 January, 2007, to withdraw the holding of abandonment and considered under 37 C.F.R. §1.181.

The Office regrets the delay in addressing this matter, however, the instant petition was presented to the attorneys in the Office of Petitions only at this writing.¹

The petition as considered under 37 C.F.R. §1.181 is **GRANTED**.

¹ **NOTE:** Monitoring of the status of applications on PAIR can inform one's management of application responses and provide an indication when mailings of Office actions should be expected. Status Inquiries filed at three (3) or four (4) month intervals provide a demonstration of diligence and attention in supporting a petition seeking relief under 37 C.F.R. §1.181.

NOTE: The record reflects that Petitioner filed into the papers that he avers were intended for the instant application, but were that were improperly designated with an erroneous application number to another and unrelated file, and Petitioner now acknowledges having done so.

BACKGROUND

The record reflects that:

- Petitioner failed to reply timely and properly to the 7 March, 2006, non-final Office action, reply due absent an extension of time on or before 7 June, 2006;
- the application went abandoned by operation of law after midnight on 7 June, 2006;
- the Office mailed the Notice of Abandonment on 20 December, 2006;
- on 12 January, 2007, Petitioner filed the instant petition, and averred therein, *inter alia*, that he filed timely and properly a reply to the Office action in question, and provided a copy of the reply averred to have been filed over a 25 May, 2006, Certificate of Mailing, albeit under the incorrect application number (10/058,647), rather than the correct application number of the instant application (11/058,647).

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)); and those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.²

² See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Specifically, the regulations at 37 C.F.R. §10.18 provide:

§ 10.18 Signature and certificate for correspondence filed in the Patent and Trademark Office.

(a) For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature by such practitioner complying with the provisions of §1.4(d), §1.4(e), or § 2.193(c)(1) of this chapter.

(b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—

(1) All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).³

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority. The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.⁴

Delays in responding properly raise the question whether delays are unavoidable.⁵ Where there is

and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and

(2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that —

(i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office;

(ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

(c) Violations of paragraph (b)(1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions as deemed appropriate by the Commissioner, or the Commissioner's designee, which may include, but are not limited to, any combination of —

(1) Holding certain facts to have been established;

(2) Returning papers;

(3) Precluding a party from filing a paper, or presenting or contesting an issue;

(4) Imposing a monetary sanction;

(5) Requiring a terminal disclaimer for the period of the delay; or

(6) Terminating the proceedings in the Patent and Trademark Office.

(d) Any practitioner violating the provisions of this section may also be subject to disciplinary action. See § 10.23(c)(15).

[Added 50 FR 5175, Feb. 6, 1985, effective Mar. 8, 1985; para. (a) revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; paras. (a) & (b) revised, paras. (c) & (d) added, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

³ 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

⁴ Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.

⁵ See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

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).⁶

And the Petitioner must be diligent in attending to the matter.⁷ Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.⁸))

Allegations as to the Request to
Withdraw the Holding of Abandonment

The courts have determined the construct for properly supporting a petition seeking withdrawal of a holding of abandonment.⁹

The commentary at MPEP §711.03(c) provides:

* * *

**B. Petition To Withdraw Holding of Abandonment Based on
Evidence That a Reply Was Timely Mailed or Filed**

37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as “Express Mail.” A petition to withdraw the holding of abandonment relying upon a timely reply placed in “Express Mail” must include an appropriate petition under 37 C.F.R. §1.10(c), (d), * (e), or (g) (see MPEP § 513). When a paper is shown to have been mailed to the Office using the “Express Mail” procedures, the paper must be entered in PALM with the “Express Mail” date.

⁶ See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

⁷ See: Diligence in Filing Petitions to Revive and Petitions to Withdraw the Holding of Abandonment, 1124 Off. Gaz. Pat. Office 33 (March 19, 1991). It was and is Petitioner's burden to exercise diligence in seeking either to have the holding of abandonment withdrawn or the application revived. See 1124 Off. Gaz. Pat. Office supra.

⁸ Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

⁹ See: Delgar v. Schulver, 172 USPQ 513 (D.D.C. 1971).

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP § 503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. §1.8(b) and MPEP § 512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. 1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent

Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP § 512.

* * *

Moreover, the regulation places upon Petitioner a diligence requirement to seek relief within two (2) months of the act complained of.

It appears that Petitioner has satisfied the showing as discussed above.

CONCLUSION

The petition as considered under 37 C.F.R. §1.181 is **granted**.

The instant application is released to Technology Center 2800 for further processing in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2¹⁰) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



John J. Gillon, Jr.
Senior Attorney
Office of Petitions

¹⁰ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

Mail Date: 04/21/2010

Applicant	: Jirou Hayashi	: DECISION ON REQUEST FOR
Patent Number	: 7628247	: RECALCULATION OF PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/058,649	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **416** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

COPY MAILED

OCT 22 2007

OFFICE OF PETITIONS

In re Application of :
David Martin et al. :
Application No. 11/058,667 : DECISION ON PETITION
Filed: February 15, 2005 :
Attorney Docket No. 2004P04282US01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 17, 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 December 8, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed September 8, 2006. Accordingly, the date of abandonment of this application is December 9, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,400 and the publication fee of \$300, (2) the petition fee of \$1,500; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Publishing Division for processing into a patent.


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

BAINWOOD HUANG & ASSOCIATES LLC
2 CONNECTOR ROAD
WESTBOROUGH, MA 01581

Mail Date: 08/02/2010

Applicant : Lucern K. Ma : DECISION ON REQUEST FOR
Patent Number : 7656788 : RECALCULATION of PATENT
Issue Date : 02/02/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/058,688 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/14/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **672** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JAN 13 2010

OFFICE OF PETITIONS

ESPINOSA TRUEBA PL
3001 SW 3RD AVENUE
MIAMI FL 33129

In re Application of
Aurel A. Astilean :
Application No. 11/058,703 : DECISION ON
Filed: February 15, 2005 : PETITION
Attorney Docket No. 4973.0001 :

This is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed November 9, 2009.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Extensions of time under 37 CFR 1.136(a) are permitted.

The above-identified application became abandoned for failure to timely file a reply to the non-final Office action, mailed February 19, 2009. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on May 20, 2009. The Office mailed a Notice of Abandonment on September 8, 2009.

Petitioner states that he did not receive the February 19, 2009 Office action, and argues that the Office action was mistakenly mailed to his prior address. Petitioner points out that his previous response filed on November 24, 2008 included the address of his current office.

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), petitioner 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 change of address. See MPEP 601.01; See also Ray. v. Lehman, 55 F.3d 606, 34 U.S.P.Q. 2d 1786 (CAFC 1995).

Here, there has been no showing that petitioner timely notified the Office that he changed his address. The record reveals that the Office mailed the February 19, 2009 Office action to the address set forth in the declaration filed with the application. The fact that petitioner's November 24, 2008 response included his new address was not sufficient to be deemed as a notification to the Office of a change in address. As set forth in MPEP 601.03:

The required notification of change of correspondence address need take no particular form. However, it should be provided in a manner calling attention to the fact that a change of address is being made. Thus, the mere inclusion, in a paper being filed for another purpose, of an address which is different from the previously provided correspondence address, without mention of the fact that an address change is being made would not ordinarily be recognized or deemed as instructions to change the correspondence address on the file record

While applicants have not filed a Change of Correspondence Address, the address has been changed by the Office sua sponte in view of petitioner's statement that the prior law firm no longer exists.

Petitioner may wish to consider reviving the application pursuant to 37 CFR 1.137.

Further correspondence with respect to this matter should be addressed as follows:

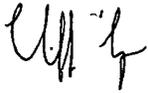
By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

Application No. 11/058,703

Page 3

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions



OFFICE OF COUNSEL, CODE 004
NAVAL SURFACE WARFARE CENTER, CARDEROCK DIVISION
9500 MACARTHUR BLVD.
WEST BETHESDA MD 20817

COPY MAILED

AUG 24 2007

OFFICE OF PETITIONS

In re Application of	:	
Arthur E. Clark, et al.	:	
Application No. 11/058,710	:	DECISION ON PETITION
Filed: February 11, 2005	:	TO WITHDRAW
Attorney Docket No. 95,980	:	FROM RECORD
	:	

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 2, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Scott R. Boalick on behalf of himself.

Scott R. Boalick has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
April M. Wise
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

January 2006

Thomas G. Scavone
NIRO, SCAVONE, HALLER & NIRO
181 West Madison Street
Suite 4600
Chicago, Illinois 60602-4515

JAN 11 2006

In re Application of:	:	
JAMES S. COZZI, ET AL.	:	DECISION ON PETITION TO
Serial No.: 11/058,720	:	MAKE SPECIAL FOR NEW
Filed: 15 February 2005	:	APPLICATION UNDER 37
Docket: 3546CON	:	C.F.R. § 1.102 and M.P.E.P. §
Title: ADJUSTABLE ELECTRICAL OUTLET BOX	:	708.02 (II)
ASSEMBLY	:	

This is a decision on the petition filed on May 3rd, 2005 to make the above-identified application special under 37 C.F.R. § 1.102 and M.P.E.P. § 708.02 (II) because of infringement.

The petition to make the application special is **DISMISSED**.

In support of the petition, petitioner provides a statement by the attorney of record that: a) a major competitor has introduced an device that incorporates the major features of the invention; b) a rigid comparison of the alleged infringing device with the claims of the application has been made and claims 1, 4 and 5 are unquestionably infringed; c) the Examiner's search of the parent application and the IDS submitted therein meet the requirement for a careful and thorough search and the art of record is the most pertinent.

For accelerated examination under MPEP § 708.02(II) in accordance with 37 C.F.R. § 1.102, a showing of the following is required: 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 petitioner's opinion, some of the claims are unquestionably infringed; and c) that petitioner has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art. Further, the fee set forth in 37 CFR § 1.17(h) must be paid and copies of each of the references deemed most closely related to the subject matter encompassed by the claims must be provided if said references are not already of record.

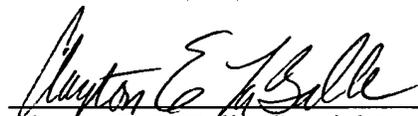
The requirements of MPEP § 708.02(II)(b)-(c) are considered to have been met. However, the petition does not meet the requirements of MPEP § 708.02(II)(a) because it lacks a statement that there is an infringing device or product actually on the market or method in use.

In his petition, petitioner states that "...a major competitor has introduced an adjustable electrical outlet box assembly...." However, it is not clear whether "introduction" of an alleged infringing product means that the product is "actually on the market" as required by MPEP § 708.02(II)(a). The term "introduced" is broad and could mean the device was described at a conference, for instance, but was not necessarily for sale.

For the above-mentioned reason, 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 statement that the infringing device is actually on the market.

Any inquiry regarding this decision should be directed to Clayton E. LaBalle, Special Program Examiner, at (571) 272-1594.



Clayton E. LaBalle, Special Program Examiner
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Thomas G. Scavone
NIRO, SCAVONE, HALLER & NIRO
181 West Madison Street
Suite 4600
Chicago, Illinois 60602-4515

JUL 20 2006

In re Application of:	:	
JAMES S. COZZI, ET AL.	:	
Serial No.: 11/058,720	:	
Filed: 15 February 2005	:	DECISION ON PETITION TO
Docket: 3546CON	:	MAKE SPECIAL FOR NEW
Title: ADJUSTABLE ELECTRICAL OUTLET	:	APPLICATION UNDER 37
BOX ASSEMBLY	:	C.F.R. § 1.102 & M.P.E.P. §
	:	708.02 (II)

This is a decision on the renewed petition filed on 06 February 2006, to make the application special under MPEP § 708.02(II) because of infringement.

The petition to make the application special is **GRANTED**.

For accelerated examination under MPEP § 708.02(II) in accordance with 37 C.F.R. § 1.102, a showing of the following is required: 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 petitioner's opinion, some of the claims are unquestionably infringed; and c) that petitioner 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 the petition dated 03 May 2005, petitioner states that: a) a rigid comparison of the alleged infringing device with the claims of the application has been made and claims 1, 4 and 5 are unquestionably infringed; and b) the Examiner's search of the parent application and the IDS submitted therein meet the requirement for a careful and thorough search and the art of record are the most pertinent, thus meeting the requirements of MPEP § 708.02(II)(b)-(c).

In the supplemental petition dated 06 February 2006, petitioner further states that the infringing product was introduced to the market and has been offered for sale, thus meeting the requirement of MPEP § 708.02(II)(a) for a statement that there is an infringing device or product actually on the market or method in use.

The requirements of MPEP § 708.02(II)(a)-(c) 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. Any restriction later required by the Office must be responded with an election without traverse by applicant as a condition for the application retaining its special status.

The application file is being forwarded to the examiner for expedited prosecution.

If the examiner can make this application special without prejudice to any possible interfering applications, and he/she should make a rigid search for such, he/she is authorized to do so for the next action. Should the application be rejected, the application will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the application in condition for allowance, even if it is necessary to have an interview with the examiner to accomplish this purpose.

If the examiner finds any interfering application for the same subject matter, he/she should consider such application simultaneously with this application and should state in the official letter of such application that he/she is taking it out of its turn because of possible interference.

Should an appeal be taken in this application or should this application 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.

Any inquiry regarding this decision should be directed to Clayton E. LaBalle, Special Program Examiner, at (571) 272-1594.


Clayton E. LaBalle, Special Program Examiner
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components



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

Bose Corporation
c/o Donna Griffiths
The Mountain, MS 40
IP Legal - Patent Support
Framingham, MA 01701

Mail Date: 04/20/2010

Applicant : Paul F. Warren : DECISION ON REQUEST FOR
Patent Number : 7657050 : RECALCULATION of PATENT
Issue Date : 02/02/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/058,722 : OF WYETH
Filed : 02/15/2005 :
:
:

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.



**TOWNSEND AND TOWNSEND AND CREW, LLP/PIXAR
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834**

COPY MAILED

MAR 17 2008

In re Application of	:	
REDDY, Martin et al.	:	
Application No. 11/058,724	:	DECISION ON PETITION
Filed: February 14, 2005	:	TO WITHDRAW
Attorney Docket No. 21751-007610US	:	FROM RECORD
	:	

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 04, 2008.

The request is **MOOT** because a revocation of power of attorney has been previously filed.

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP/Pixar has been revoked by the assignee of the patent application on February 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 the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **JONATHAN M. HOLLANDER
PIXAR - HOLLANDER
660 4TH STREET
BOX #198
SAN FRANCISCO, CA 94107**



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

STEPHEN M. DE KLERK
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
SEVENTH FLOOR
12400 WILSHIRE BOULEVARD
LOS ANGELES, CA 90025

MAILED

SEP 30 2009

OFFICE OF PETITIONS

In re Application of :
Takeshi Saito :
Application No. 11/058,725 : DECISION ON PETITION
Filed: February 14, 2005 :
Attorney Docket No. 007315.P002 :
:

This is a decision in response to the petition, filed June 29, 2009, 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 October 3, 2008, which set a three (3) month shortened statutory period for reply. This decision precedes the mailing of a Notice of Abandonment.

Petitioner asserts that the Office action dated October 3, 2008 was not received.

A review of the application file reveals no irregularities in the mailing of the Office action mailed October 3, 2008. 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 Office action, 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.

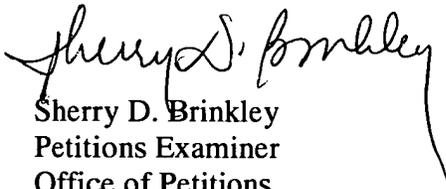
A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three 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. Accordingly, the holding of abandonment withdrawn.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

This application is being referred to the Technology Center AU 2193 technical support staff for re-mailing the Non-final Office action. The period for reply will run from the mailing date of the Office action.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquires relating to further processing should be directed to the Technology Center


Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: LESTER J. VINCENT
BLAKELY, SOKOLOFF, TAYLOR & ZAFMANN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040



BANNER & WITCOFF, LTD.
TEN SOUTH WACKER DRIVE
SUITE 3000
CHICAGO IL 60606

COPY MAILED

JAN 10 2007

OFFICE OF PETITIONS

In re Application of :
Jerry J. Wierzba, et al. :
Application No. 11/058,738 : DECISION GRANTING PETITION
Filed: February 15, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 500537.00129 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 9, 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 December 13, 2006 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to April Wise at (571) 272-1642.

This application is being referred to Technology Center AU 3611 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the formal drawings.


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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE PLEVY LAW FIRM
10 RUTGERS PLACE
TRENTON, NJ 08618

COPY MAILED

AUG 21 2008

OFFICE OF PETITIONS

In re Application of :
DiSanto et al. :
Application No. 11/058,742 : **DECISION ON PETITION**
Filed: February 15, 2005 :
Attorney Docket No. COPY-70-CIP-CON :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 25, 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 December 7, 2007, as required by the Notice of Allowance and Fee(s) Due mailed September 7, 2007. Accordingly, the date of abandonment of this application is December 8, 2007. A Notice of Abandonment was mailed January 9, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to 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
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WORKMAN NYDEGGER
(F/K/A WORKMAN NYDEGGER & SEELEY)
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

COPY MAILED

MAY 24 2005

OFFICE OF PETITIONS

In re Application of :
Michael Polus :
Application No. 11/058,768 :
Filed: February 15, 2005 :
Attorney Docket No. 16056.3 :

ON PETITION

This is a decision on the petition under 37 CFR 1.53 filed April 28, 2005, requesting that the above-identified application be accorded a filing date of February 15, 2005, including one (1) sheet of drawings.

The application was submitted on February 15, 2005. However, on April 20, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice Of Incomplete Nonprovisional Application" (Notice) that stated the application had not been accorded a filing date, and that the application was deposited without drawings.

In response, on April 28, 2005, the instant petition was submitted. Petitioner argues that one (1) sheet of drawings was filed on February 15, 2005. In support, the instant petition is accompanied by a copy of applicants' postcard receipt that acknowledges receipt of "one (1) sheet of formal drawings" on February 15, 2005. A review of the application file indicates the presence of zero (0) sheets of drawings filed on February 15, 2005. It is assumed that missing sheet of drawings was misplaced by the Office.

In view of the above, the petition is granted.

The \$400.00 petition fee will be refunded by treasury check.

This application will be returned to OIPE for further processing with a filing date of February 15, 2005, using the one (1) sheet of drawings, supplied on April 28, 2005.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
United States Patent and Trademark Office



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

APPLE INC./BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 04/21/2010

Applicant	: Gabriel G. Marcu	: DECISION ON REQUEST FOR
Patent Number	: 7626614	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/058,770	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1196** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed : 8-1-07

Patent No.: 7,216,431 B2
Patent Issued : May 15, 2007
Inventor(s): Randall A. Holliday; Gwo-Jiang Liaw
Title: ADJUSTABLE STRIPPING TOOL
Docket No.: 5094

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 1.322 or 1.323.

The alleged error in column 5, line 43 is in fact a change made by the examiner and considered to be in accordance with the permissible amendments enumerated in MPEP.1302.04.

In view of the foregoing, your request is hereby denied. However, further consideration will be given upon receipt of a request for reconsideration directed to Decisions & Certificates of Correction Branch.

Eva James
For Cecelia B. Newman
Certificate of Correction Branch
(703) 308-9390 ext. 124 or ext. 102

John E. Reilly
The Reilly Intellectual Property Law Firm
1554 Emerson Street
Denver, Colorado 80218

ej

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>In re</i> Application of:	§	BEFORE THE EXAMINER:
Datta et al.	§	Not Yet Assigned
Serial No.: 11/058,789	§	Group Art Unit No.: Not Yet Assigned.
Filed: February 16, 2005	§	Attorney Docket No.: 1997B050/4
For: Thermoplastic Polymer Blends of	§	Confirmation No.: Not Yet Assigned
Isotactic Polypropylene and Alpha-	§	
Olefin/Propylene Copolymers	§	
Customer No.: 23455	§	March 3, 2005

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**RECEIVED
CENTRAL FAX CENTER
MAR 03 2005**

PETITION TO MAKE SPECIAL

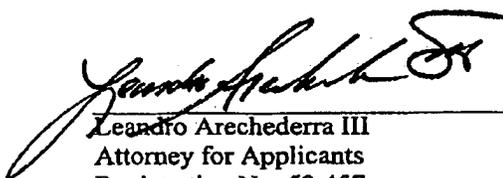
Sir:

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,

March 3, 2005

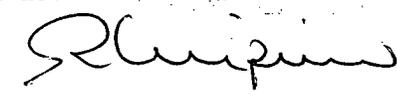
Date



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
TC 1700**

MAR - 9 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

JAN 13 2006

TECHNOLOGY CENTER 2100

In re Application of: OSAKI
Application No. 11/058,808
Filed: February 15, 2005
For: METHOD OF ASSURING DATA
INTEGRITY ON STORAGE VOLUMES

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER MPEP §708.02 (VIII)

This is a response to the petition filed 15 November 2005, under 37 CFR §1.102(d) and MPEP §708.02 (VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **GRANTED**.

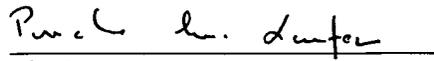
MPEP §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

- (a) Submits a petition to make special accompanied by the fee set forth in **37 CFR 1.17(h)**;
- (b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
- (c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;
- (d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
- (e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

Applicant's submission meets all the criteria set out above. Accordingly, the petition is **GRANTED**.

The application file is being forwarded to the Examiner of Record for accelerated examination according to the procedures set forth in MPEP § 708.02, Section VIII.



Pinchus M. Laufer
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3599

ds



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION - WEST BLDG.
WINTON HILL BUSINESS CENTER - BOX 412
6250 CENTER HILL AVENUE
CINCINNATI OH 45224

COPY MAILED

SEP 26 2007

OFFICE OF PETITIONS

In re Application of :
Laudamiel-Pellet, et al. : DECISION
Application No.: 11/058,823 :
Filed: February 16, 2005 :
Docket No.: 8354MD :

This decision is in response to the "PETITION OF PERTINENT FACTS IN REGARDS TO MISSING INVENTORS," filed July 23, 2007. This matter is being properly treated under 37 CFR 1.183 as a petition to waive the requirements of 37 CFR 1.67.

The required petition fee (\$400.00) has been charged to petitioners' deposit account as authorized.

The petition is hereby **DISMISSED**.

Petitioner is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the deficiencies noted herein. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.183," and should only address the deficiencies noted herein. Except, the reply may include a supplemental oath or declaration executed by the inventors.

Applicants have submitted a supplemental declaration under 37 CFR 1.67 signed by less than all of the inventors named in the instant application.

37 CFR 1.67(a)(1) states:

"Deficiencies or inaccuracies relating to all the inventors or applicants (§§ 1.42, 1.43, or § 1.47) may be corrected with a supplemental oath or declaration signed by all the inventors or applicants."

Petitioners allege that inventors Rodriguez, Bartsch, and Paljieg cannot be reached or located for presentation of the supplemental declaration.

Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.



Alesia M. Brown
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION - WEST BLDG.
WINTON HILL BUSINESS CENTER - BOX 412
6250 CENTER HILL AVENUE
CINCINNATI OH 45224

COPY MAILED

JAN 03 2008

OFFICE OF PETITIONS

In re Application of :
Laudamiel-Pellet, et al. : DECISION
Application No.: 11/058,823 :
Filed: February 16, 2005 :
Docket No.: 8354MD :

This decision is in response to the renewed petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.67, filed November 26, 2007.

In response to the Office action mailed January 23, 2007, petitioners have submitted the instant request for acceptance of a supplemental declaration under 37 CFR 1.67 signed by less than all of the inventors named in the instant application.

37 CFR 1.67(a)(1) states:

"Deficiencies or inaccuracies relating to all the inventors or applicants (§§ 1.42, 1.43, or § 1.47) may be corrected with a supplemental oath or declaration signed by all the inventors or applicants."

Petitioners allege that Inventors Rodriguez, Bartsch, and Paljieg either cannot be reached or located for presentation of the supplemental declaration or refuse to execute the supplemental declaration.

In accordance with MPEP 603, "[w]hen an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, the requirement for that inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183. All available joint inventor(s) must sign the supplemental declaration on behalf of themselves, if appropriate, and on behalf of the nonsigning inventor. See MPEP §409.03(a)."

A grantable petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.67 requires petitioners to establish that this is an extraordinary situation where justice requires waiver of the rules.

Petitioners herein have set forth the bona fide efforts made to locate the non-signing inventors. Despite these efforts, the non-signing inventors cannot be reached or located. Under the circumstances, it is concluded that petitioners have demonstrated that this extraordinary situation warrants waiver of the rules.

In view of the circumstances outlined in the instant petition, the 37 CFR 1.67 declaration may be entered, despite the fact that the requirement that all of the inventors sign the supplemental declaration has not been satisfied.

Accordingly, the petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.67(a)(1) is hereby **GRANTED**.

The application file is being forwarded to Technology Center 3700 for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.



Alesia M. Brown
Petitions Attorney
Office of Petitions



MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES CA 90013-1024

COPY MAILED

DEC 20 2005

OFFICE OF PETITIONS

In re Application of	:	
Ronald Lax, Gary Fanton and Stuart Edwards	:	DECISION GRANTING STATUS
Application No. 11/058,845	:	UNDER 37 CFR 1.47(A)
Filed: February 15, 2005	:	
Attorney Docket No. 548182000201	:	
Title of Invention: Method and Apparatus for	:	
Controlled Contraction of Soft Tissue	:	
	:	
	:	
	:	
	:	
	:	
	:	
	:	
	:	
	:	
	:	
	:	
	:	

This is in response to the petition under 37 CFR 1.47(a) filed November 14, 2005.

The petition is GRANTED.

Petitioner has shown that non-signing inventor Edwards has refused to join in the filing of the above-identified application. Petitioner has provided evidence of refusal of the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215.


 Charlema R. Grant
 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

FINA TECHNOLOGY INC
PO BOX 674412
HOUSTON TX 77267-4412

RECEIVED

DEC 22 2008

In re Application of : **OFFICE OF PETITIONS**
Ledoux et al. :
Application No. 11/058,849 : DECISION ON PETITION
Filed: February 15, 2005 :
Attorney Docket No. COS-992 :

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed September 26, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This above-identified application became abandoned for failure to timely file a reply to the non-final Office Action of March 17, 2008. The non-final Office Action set a three (3) month shortened statutory period for reply. No extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on June 18, 2008.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (3).

Pursuant to petitioner's request, deposit account no. 03-3345 will be charged the \$510.00 unavoidable fee.

Petitioner argues that due to Hurricane Ike, their Office was without power. A divisional application and a three month extension of time were to be filed on September 16, 2008. Petitioner maintains that during such time, petitioner did not have means for filing a reply to the Office action.

As to item (3), the showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable within the meaning of 37 C.F.R. § 1.137(a). The Office may revive an abandoned application if the delay in responding to the relevant outstanding office requirement is shown to the satisfaction of the Director to have been “unavoidable.” See, 37 C.F.R. § 1.137(a)(3). Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm’r Pat. 31, 32-33 (Comm’r Pat. 1887) (the term “unavoidable” is applicable to ordinary human affairs, and requires no more greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business.”); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm’r Pat. 139, 141 (Comm’r Pat. 1913). In addition, decisions on revival are made on a “case by case basis, taking all the facts and circumstances into account.” Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). A petition to revive an application as unavoidably abandoned cannot be granted where petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2D 1130 (N.D. Ind. 1987).

Petitioner has failed to provide any evidence to establish the delay in submitting a reply to the non-final Office action mailed March 17, 2008 was due to Hurricane Ike. Petitioner must establish that the effects of the Hurricane were such that petitioner could not submit a timely reply. It should be noted that with a three month extension of time the last day that that a reply could have been submitted on September 17, 2008. The reply was submitted seven days after the maximum extendable time period. Evidence of power outage for the time period in question should be provided. It is further noted that there are two correspondence addresses at issue the correspondence address of record which is located in Houston, Texas 77459 and the address provided by petitioner Missouri City, 77459. Petitioner should state what location was inaccessible.

Due to petitioner’s failure to submit any evidence to support the alleged allegations, the petition decision must be dismissed. Any renewed petition should provide any and all evidence to establish that the delay was unavoidable.

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 maximum extendable time period has expired, the extension of time fee will not be charged.

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.

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the \$1620.00 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By facsimile: **(571) 273-8300**
 Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.



Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Tenley Krueger
 38 Hope Farm Road
 Missouri City, Texas 77459



FINA TECHNOLOGY INC
PO BOX 674412
HOUSTON TX 77267-4412

COPY MAILED

JUN 16 2009

OFFICE OF PETITIONS

In re Application of :
Ledoux et al. :
Application No. 11/058,849 : **DECISION ON PETITION**
Filed: February 15, 2005 :
Attorney Docket No. COS-992 :

This is a decision on the renewed petition under the unavoidable provisions of 37 CFR 1.137(a), filed May 20, 2009, to revive the above-identified application. In the alternative, petitioner has requested treatment under 37 CFR 1.137(b).

The petition under 37 CFR 1.137(a) is **DISMISSED**.
The petition under 37 CFR 1.137(b) is **GRANTED**.

Petition Under 37 CFR 1.137(a)

This above-identified application became abandoned for failure to timely file a reply to the non-final Office Action of March 17, 2008. The non-final Office Action set a three (3) month shortened statutory period for reply. No extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on June 18, 2008.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (3).

Petitioner argues that due to Hurricane Ike, their Office was without power. A divisional application and a three- month extension of time were to be filed on September 16, 2008. Petitioner maintains that during such time, petitioner did not have means for filing a reply to the Office action. On renewed petition, petitioner has supplied copies of a blog and two newspaper articles.

As to item (3), the showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable within the meaning of 37 C.F.R. § 1.137(a). The Office may revive an abandoned application if the delay in responding to the relevant outstanding office requirement is shown to the satisfaction of the Director to have been "unavoidable." See, 37 C.F.R. § 1.137(a)(3). Decisions on reviving abandoned applications have

adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887) (the term "unavoidable" is applicable to ordinary human affairs, and requires no more greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case by case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). A petition to revive an application as unavoidably abandoned cannot be granted where petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2D 1130 (N.D. Ind. 1987).

The evidence provided on renewed petition is not sufficient to establish that the delay in submitting a reply to the non-final Office action mailed March 17, 2008 was due to Hurricane Ike. Petitioner must establish that the effects of the Hurricane were such that petitioner could not submit a timely reply. The Office recognizes that a Hurricane struck parts of Houston during the time period in question. The articles presented shows that parts of Houston and presumably some suburbs were without electricity. However, the burden is on petitioner to establish that the failure to submit a reply to the Office action was a result of Hurricane Ike. Petitioner has failed to provide any specifics as to the building or even the zip code that one or both of the Offices were directly affected by the Hurricane.

Further, the period, which is examined, is the entire period that a reply can be submitted. 37 CFR 1.137(a) (3) requires a showing to the satisfaction of the Director of the USPTO 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. Therefore, the Office will require the applicant in every petition under 37 CFR 1.137(a) to carry the burden of proof to establish that the delay from the due date for the reply until the filing of a grantable petition was unavoidable. See Haines, 673 F. Supp. at 316- 17, 5 USPQ2d at 1131-32. Petitioner has only provided an explanation for the last day of the extendable time period. While it is applicants prerogative to wait until the last day of the extendable period to submit a reply, the Office must look at the entire period that petitioner could have replied.

In addition, the last petition decision required that petitioner clearly state which building was without electricity. As was previously noted the petition contains a different address from the correspondence address of record. While both appear to be located in the same zip code, the renewed petition fails to state whether both buildings suffered from power outages and or were inaccessible.

Due to petitioner's failure to submit sufficient evidence to support the alleged allegations, the petition decision must be dismissed.

Petition Under 37 CFR 1.137(b)

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application, (2) the petition fee of 1620.00, and (3) an adequate statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Deposit account no. 03-3345 will be assessed the \$1620.00 petition fee.

The application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the application, the application is again abandoned in favor of a continuing application under 37 CFR 1.53(b).

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.



Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Tenley Krueger
38 Hope Farm Road
Missouri City, Texas 77459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 6/5/09 Paper No.: _____
TO SPE OF : ART UNIT 3654 John Nguyen (SPE)
SUBJECT : Request for Certificate of Correction for Appl. No.: 11/058858 Patent No.: 7500502

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

[Signature]
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: okay to enter SR 1-11-10

JOHN Q. NGUYEN
SUPERVISORY PATENT EXAMINER

[Signature]
SPE

3654
Art Unit



MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

COPY MAILED

MAR 18 2008

OFFICE OF PETITIONS

In re Application of
MCGAUGHY, Bruce W.
Application No. 11/058,859
Filed: February 08, 2008
Attorney Docket No. 188122000501

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 08, 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 Norman R. Klivans 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.

There are no outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: BRUCE W. MCGAUGHY
240 YERBA BUENA PLACE
FREMONT, CA 94536

cc: THOMAS CHAN
WHEELLOCK CHAN LLP
2880 ZANKER ROAD
SUITE 109
SAN JOSE, CA 95134



FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

COPY MAILED

MAY 06 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Narushima, et al. :
Application No. 11/058,872 :
Filed: February 15, 2005 :
Attorney Docket No. 450100-02829.1 :

This is a decision on papers filed on April 7, 2005, which is being treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of February 15, 2005, including Figures 23 – 25 described in the specification.

The application was submitted on February 15, 2005, as a continuation of prior application No. 09/706,116. However, on March 22, 2005, the Office of Initial Patent Examination (OIPE) mailed a “Notice To File Corrected Application Papers” (Notice) that stated the application had been accorded a filing date, and that Figures 23 –25 described in the specification appear to have been omitted.

In response, on April 7, 2005, the instant petition was submitted. Petitioner requests that the missing Figures be incorporated by reference from prior application No. 09/706,116. A petition, however, is not required for such action.

The application transmittal letter identified this application as a continuation application of prior application No. 09/706,116, filed November 3, 2000, and specifically incorporated by reference the disclosure of the prior application. MPEP 201.06(c) states:

“B. Application Entitled to a Filing Date

If a continuation or divisional application as originally filed is entitled to a filing date despite the omission of a portion of the prior application(s), applicant will be permitted to add the omitted material by way of an amendment provided a statement was included in the application as originally filed that incorporates by reference the prior application(s). If the application as originally filed includes a proper incorporation by reference of the prior application(s), an omitted specification page(s) and/or drawing figure(s) identified in a “Notice of Omitted Item(s)” may be added by amendment provided the omitted item(s) contains only subject matter in common with such prior application(s). In such case, applicant need not respond to the “Notice of Omitted Item(s).” Applicant should submit

the amendment adding the omitted material prior to the first Office action to avoid delays in the prosecution of the application. See MPEP 601.01(d) and 601.01(g).”

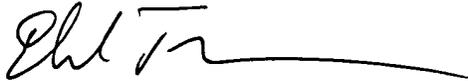
If applicants desire that Figures 23 –25 described in the specification be added to the application, the appropriate procedure is by way of amendment requesting the entry of the Figures. Any such amendment should be filed prior to the first action on the merits and will be considered by the primary examiner.

Accordingly, the petition is dismissed.

Please note, the petition fee will not be refunded, since the petition was not necessitated by any error on the part of the USPTO.

The application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3228.

A handwritten signature in black ink, appearing to read 'E. J. Tannouse', with a long horizontal flourish extending to the right.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
United States Patent and Trademark Office



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HAHN LOESER & PARKS, LLP
ONE GOJO PLAZA
SUITE 300
AKRON, OH 44311-1076

COPY MAILED
SEP 10 2008

In re Application of :
BREEN, Michael S. et al. :
Application No. 11/058,882 :
Filed: February 16, 2005 :
Attorney Docket No. **200512.00003 (CWRU-120)** :
: **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 19, 2008.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Kraguljac & Kalnay has been revoked by the assignee of the patent application on July 17, 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 inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

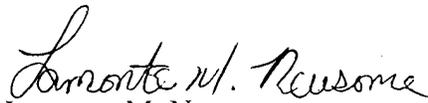

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **KRAGULJAC & KALNAY**
4700 ROCKSIDE ROAD
SUMMIT ONE, SUITE 510
INDEPENDENCE OH 44131

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.



Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(703) 305-8309 or (703) 308-9390 #112

BANNER & WITCOFF, LTD.
TEN SOUTH WACKER DRIVE
SUITE 3000
CHICAGO IL 60606

LMN



SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY NY 11530

COPY MAILED

MAR 19 2009

OFFICE OF PETITIONS

In re Application of
Naoko Ito
Application No. 11/058,901
Filed: February 16, 2005
Attorney Docket No. 18657

:
:
ON PETITION
:
:

This is a decision on the petition under 37 CFR 1.137(b)¹, filed March 3, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Final Office Action mailed September 2, 2008. A response was filed November 3, 2008, but by Advisory Action of December 3, 2008, petitioner was advised that the response did not place the application in condition for allowance. The instant petition and this decision precede the mailing of the Notice of Abandonment.

Petitioner has submitted a Request for Continued Examination (RCE) and an amendment as the submission required under 37 CFR 1.114.

This matter is being referred to Technology Center 2618 for processing of the RCE.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).



MAILED
JUN 04 2009
OFFICE OF PETITIONS

KRAGULJAC & KALNAY
4700 ROCKSIDE ROAD
SUMMIT ONE, SUITE 510
INDEPENDENCE OH 44131

In re Application of :
Roger Karam :
Application No. 11/058,963 : **DECISION ON PETITION**
Filed: February 15, 2005 : **UNDER 37 CFR 1.137(b)**
Attorney Docket No. 450826 :

This is a decision on the petition, filed September 26, 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 9, 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.

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 September 10, 2009, accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

/KOC/
Karen Creasy
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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/058,963	02/15/2005	Roger Karam	450826

76863
KRAGULJAC & KALNAY
4700 ROCKSIDE ROAD
SUMMIT ONE, SUITE 510
INDEPENDENCE, OH 44131

CONFIRMATION NO. 1005

NONPUBLICATION RESCISSION
LETTER



Date Mailed: 06/03/2009

**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 09/10/2009.

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".

/kocreasy/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND OR 97204

COPY MAILED

JUN 11 2007

OFFICE OF PETITIONS

In re Application of
Brandon W. Ewing
Application No. 11/059,001
Filed: February 15, 2005
Attorney Docket No. 7273-70224-01

:
:
:
:
:
:

**DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)**

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 23, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition has been signed by an unknown inventor. There is no evidence that Carrell W. Ewing is a participant in this application.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

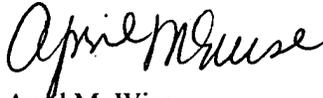
By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

There is an outstanding Office action mailed April 24, 2007 that requires a response by the applicant.

A handwritten signature in black ink that reads "April M. Wise". The signature is written in a cursive, flowing style.

April M. Wise
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

INTELLECTUAL PROPERTY GROUP
SEAGATE TECHNOLOGY FILES
FREDRIKSON & BYRON, PA
200 SOUTH SIXTH ST, SUITE 4000
MINNEAPOLIS, MN 55402-1425

Mail Date: 04/21/2010

Applicant	: Rickmer Kose	: DECISION ON REQUEST FOR
Patent Number	: 7639449	: RECALCULATION OF PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/059,032	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **929** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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.

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE
SUITE 500
SPOKANE, WA 99201

COPY MAILED
JUL 25 2006
OFFICE OF PETITIONS

In re Application of :
Aaron Sauve, Charles Cummins :
Cornelis Van Dok and :
Tony Schreiner : DECISION REFUSING STATUS
Application No. 11/059,048 : UNDER 37 CFR 1.47(a)
Filed: February 15, 2005 :
Atty Docket No. MS1-2401US :

This is a decision on the "PETITION UNDER 37 C.F.R. §1.47(a)," filed October 11, 2005.

The petition is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 C.F.R. § 1.136(a).

The above-identified application was filed on February 15, 2005, without an executed oath or declaration but with an application data sheet (ADS) identifying the inventors. Accordingly, on March 18, 2005, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring submission of an executed oath or declaration and payment of the surcharge for late filing under § 1.16(e). This Notice set a two-month period for reply, with extensions of time obtainable under § 1.136(a).

In response, rule 47 applicants timely filed the instant petition, along with payment of the petition fee and of the late surcharge; and a declaration executed by joint inventors Suave, Cummins and Schreiner on behalf of themselves and on behalf of non-signing inventor Van Dok. The petition was made timely by an accompanying petition and fee for extension of time for response within the fifth month. On petition, applicants assert that status under § 1.47(a) is proper because inventor Van Dok cannot be reached and/or may refuse to execute the application papers.

A grantable petition under 37 C.F.R. § 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or found, after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. The instant petition does not satisfy requirement (1).

The petition includes an acceptable declaration, payment of the petition fee and states a last known address for non-signing inventor Van Dok.

Rule 47 applicants have not submitted adequate proof that inventor Van Dok could not be reached or found after diligent effort. The email sent to inventor Van Dok was returned as undeliverable. Inventor Van Dok admittedly had moved from the last known address. Other than asking the other joint inventors about inventor Van Dok's whereabouts, the petition does not indicate that additional efforts were made to reach or locate the non-signing inventor. Petitioner does not indicate whether they utilized resources such as the Internet to locate the inventor. If further attempts, reflecting diligent effort, to obtain a forwarding address or to locate the non-signing inventor by other means such as through a working E-mail address, directory assistance, or the Internet continue to fail, then applicants will have provided the necessary proof required under 37 CFR § 1.47 that the inventor cannot be reached. Details of the efforts to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person with first hand knowledge of the details. Applicants should

also submit documentary evidence such as the results of an E-mail or Internet search.

It is noted that the declaration includes the inventor's addresses as those of the Microsoft Corporation. However, the evidence of record does not support a conclusion that this address is the address where these inventors customarily receive mail. Nonetheless, as provided for in 37 CFR § 1.63(c), this information is supplied on an application data sheet in accordance with § 1.76.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions
 ATTN: NANCY JOHNSON

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries related to this decision 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
www.uspto.gov

Paper No.

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE
SUITE 500
SPOKANE, WA 99201

COPY MAILED

DEC 26 2006

OFFICE OF PETITIONS

In re Application of :
Aaron Sauve, Charles Cummins : PETITION NOTING JOINDER
Cornelis Van Dok and : OF INVENTOR AND PETITION
Tony Schreiner : UNDER 37 CFR 1.47(a) MOOT
Application No. 11/059,048 :
Filed: February 15, 2005 :
Atty Docket No. MS1-2401US :

This is in response to the "REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. 1.47(a)", filed August 31, 2006.

The petition is **DISMISSED AS MOOT**.

The above-identified application was filed on February 15, 2005, without an executed oath or declaration but with an application data sheet identifying the inventors. In response to the Notice to File Missing Parts of Application mailed March 18, 2005, on October 11, 2005, applicants timely filed the initial petition, requesting acceptance of a declaration executed by joint inventors Sauve, Cummins and Schreiner on behalf of themselves and on behalf of non-signing inventor Van Dok. By decision mailed July 25, 2006, the petition was dismissed for failure to make an adequate showing that inventor Van Dok was unavailable to join in the application within the meaning of 37 CFR 1.47.

On instant renewed petition, applicants have submitted a declaration executed by previously non-signing inventor Van Dok.

The declaration has been reviewed and found in compliance with 37 CFR 1.63. It is noted that the addresses at which the inventors would customarily receive mail is set forth on the ADS

submitted on filing of the application. Accordingly, the declaration is acceptable despite appearing to use addresses that are not those that the inventors would customarily use as their mailing addresses.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is not necessary and the petition is considered moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

This application will be examined in due course.

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a long horizontal line extending to the right.

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

MAY - 4 2005

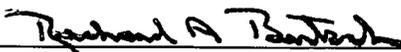
In re Application of :
Elie Levy :
Serial No. 11/059,063 : DECISION ON PETITION
Filed: February 16, 2005 : TO MAKE SPECIAL
For: IMPROVED OUTER SOLE :

Applicant's petition, filed March 28, 2005, seeks to have this application made special pursuant to the Accelerated Examination Program. The petition is GRANTED.

The petition has been reviewed and is found to be in compliance with the requirements for special status as set forth in Section 708.02(VIII) of the Manual of Patent Examining Procedures (MPEP).

Applicant is advised that the examiner's search will be restricted to the subject matter encompassed by the claims. In the event that the application receives a first action rejection, applicant is encouraged to arrange for an interview with the examiner, and to provide the examiner with a working copy of any proposed amendment one working day prior to the interview. Any amendment filed in response to a first action rejection which would require broadening of the field of search will be treated as an improper response.

PETITION GRANTED.


Richard A. Bertsch, Director
Technology Center 3700

Ezra Sutton, P.A.
Plaza 9, 900 Route 9
Woodbridge, NJ 07095



COPY MAILED

NOV 17 2006

OFFICE OF PETITIONS

BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN NC 28562

In re Application of :
Peter BLUMENTHAL et al. : DECISION ON PETITION
Application No. 11/059,085 : UNDER 37 CFR 1.78(a)(3)
Filed: February 14, 2005 :
Attorney Docket No. 2002P00904WOUS :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 28, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 365(c) for the benefit of priority to prior-filed PCT Application No. PCT/EP03/07951, filed July 21, 2003, set forth in the accompanying Application Data Sheet (ADS) (the international application number is referred to in the petition and ADS as PCT/EP2003/007951).

The petition under 37 CFR 1.78(a)(3) is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

All the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 and 365(c) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the application is entitled to the benefit of the prior-filed application. In order for the application to be entitled to the

benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to David Bucci at (571) 272-7099. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to the examiner of Technology Center Art Unit 3742 for appropriate action on the amendment filed April 28, 2006, including consideration of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 and 365(c) to the above-noted, prior-filed PCT application.



David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt


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
11/059,085	02/14/2005	3742	1000	2002P00904WOUS	4	18	2

CONFIRMATION NO. 5770

 000046726
 BSH HOME APPLIANCES CORPORATION
 INTELLECTUAL PROPERTY DEPARTMENT
 100 BOSCH BOULEVARD
 NEW BERN, NC 28562

CORRECTED FILING RECEIPT


OC000000021268373

Date Mailed: 11/17/2006

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)

 Peter Blumenthal, Traunstein, GERMANY;
 Bernward Reinker, Regenstauf, GERMANY;
 Bernd Stitzl, Lauter, GERMANY;

Assignment For Published Patent Application

BSH Bosch und Siemens Hausgerate GmbH, Munich, GERMANY

Power of Attorney:

 John Winburn--26822
 Russell Warnock--32860
 Craig Loest--48557

Domestic Priority data as claimed by applicant

This application is a CON of PCT/EP03/07951 07/21/2003

Foreign Applications

 GERMANY 102 37 289.6-34 08/14/2002
 GERMANY 102 44 917.1-34 09/25/2002

If Required, Foreign Filing License Granted: 03/14/2005

 The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/059,085**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Control unit for electric household appliance

Preliminary Class

219

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

MAILED

JUN 04 2009

OFFICE OF PETITIONS

In re Application of :
David Hubbard et al. :
Application No. 11/059,089 :
Filed: February 7, 2005 :
Attorney Docket No.: 2238.001US1 :

ON PETITION

This is a decision on the petition filed March 30, 2009, to change the order of the names of the inventors. The petition is being treated under 37 CFR 1.182.

The petition is **GRANTED**.

The order of the names of the inventors has been changed as follows:

1. David Hubbard
2. John Skog
3. Venkatesh Ramachandran

A corrected filing receipt reflecting the correct order of the names of the inventors is attached.

This matter is being referred to the Publishing Division.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Values: 11/059,089, 02/07/2005, 2612, 2235, 2238.001US1, 44, 2

CONFIRMATION NO. 1720

CORRECTED FILING RECEIPT

21186
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402



Date Mailed: 05/28/2009

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)

David Hubbard, Brooklyn Park, MN;
John Skog, Olympia, WA;
Venkatesh Ramachandran, San Jose, CA;

Power of Attorney: The patent practitioners associated with Customer Number 21186

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/542,488 02/05/2004

Foreign Applications

If Required, Foreign Filing License Granted: 04/14/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/059,089

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

METHOD AND SYSTEM FOR VALIDATION, ESTIMATION AND EDITING OF DAILY METER
READ DATA

Preliminary Class

340

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

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

APPLE INC./BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 04/21/2010

Applicant : Gabriel G. Marcu : DECISION ON REQUEST FOR
Patent Number : 7612804 : RECALCULATION of PATENT
Issue Date : 11/03/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/059,110 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/15/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1298** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



SOFER & HAROUN LLP.
317 MADISON AVENUE, SUITE 910
NEW YORK NY 10017

COPY MAILED

APR 12 2007

OFFICE OF PETITIONS

In re Application of :
Robert PINES et al. :
Application No. 11/059,120 :
Filed: February 15, 2005 :
Attorney Docket No. 886-003DIV4 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 18, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed May 19, 2006, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on August 20, 2006.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee; (2) the petition fee of \$1500; and (3) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7099.

The application file is being referred to the Office of Patent Publication.


David Bucci
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20071115

DATE : November 15, 2007

TO SPE OF : ART UNIT 2812

SUBJECT : Request for Certificate of Correction on Patent No.: 7276428 11/059122

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: Michael Lebentritt Art Unit 2812



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

WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION)
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

COPY MAILED

OCT 12 2007

OFFICE OF PETITIONS

Applicant: Easterling et al.

Appl. No.: 11/059,124

Filing Date: February 15, 2005

Title: SYSTEM AND METHODS FOR AN OVERLAY DISK AND CACHE USING
PORTABLE FLASH MEMORY

Attorney Docket No.: MSFT-4758/310590.02

Pub. No.: US 2006/0155930 A1

Pub. Date: July 13, 2006

This is a decision on the requests for a corrected patent application publication under 37 CFR 1.221(b), received on December 6, 2006, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors in that the publication includes the incorrect claims and abstract.

37 CFR 1.221 (b) is applicable “only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** from the date of the patent application publication. **This period is not extendable.**” A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The request for corrected publication, received on December 6, 2006, was not timely filed under 37 CFR 1.221(b).

The applicant is advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221(a). Such a request for republication “must include a copy of

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

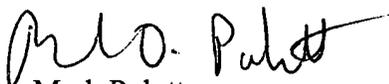
the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



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

LAW OFFICES OF MIKIO ISHIMARU
333 W. EL CAMINO REAL
SUITE 330
SUNNYVALE, CA 94087

COPY MAILED

JAN 27 2010

In re Application of
Michael Brennan, et. al.
Application No. 11/059,139
Filed: February 15, 2005
Attorney Docket No. AF01700

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 10, 2009, to revive the above-identified application.

The application became abandoned for failure to file a reply to the Notice of Allowance and Fee(s) Due mailed on January 5, 2009. A Notice of Abandonment was mailed April 30, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of \$1,510 for payment of the issue fee; (2) the petition fee of \$1,620 and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Data Management for further processing 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 07/16/09

TO SPE OF : ART UNIT 3617

SUBJECT : Request for Certificate of Correction for Appl. No.: 11059153 Patent No.: 7377597 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 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: Corrections are to formal matters only.

/Russell D. Stormer/
Primary Examiner

7/17/09
Art Unit 3617



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JAMES RAY & ASSOCIATES
2640 PITCAIRN ROAD
MONROEVILLE, PA 15146

COPY MAILED

AUG 17 2007

OFFICE OF PETITIONS

In re Application of :
Michael Barham :
Application No. 11/059,154 :
Filed: February 16, 2005 :
Attorney Docket No. MB 05002 :

ON PETITION

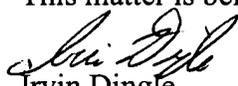
This is a decision on the petition under 37 CFR 1.137(b), filed February 12, 2007, to revive the above-identified application.

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 February 22, 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 May 23, 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 3679 for further processing.


Irvin Dingle
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

BACHMAN & LAPOINTE, P.C.
900 CHAPEL STREET
SUITE 1201
NEW HAVEN, CT 06510

Mail Date: 05/07/2010

Applicant : Brian O'Hearn : DECISION ON REQUEST FOR
Patent Number : 7610801 : RECALCULATION of PATENT
Issue Date : 11/03/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/059,185 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/16/2005 : 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.



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
PO BOX 272400
3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

COPY MAILED
OCT 10 2006
OFFICE OF PETITIONS

In re Application of :
Kenneth Scott Bower :
Application No. 11/059,193 : ON PETITION
Filed: February 16, 2005 :
Attorney Docket No. 200400507-1 :

This is in response to the petition filed June 28, 2005, in response to the Notice to File Missing Parts of Nonprovisional Application ("Notice to File Missing Parts") mailed on May 6, 2005. The petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office sincerely apologizes for any inconvenience.

On February 16, 2005, applicant filed the above-identified application. On May 6, 2005, the Office of Initial Patent Examination mailed a Notice to File Missing Parts, which set a two-month extendable period of time to respond. On June 28, 2005, applicant submitted (1) the present petition; (2) a statement identifying the machine format, the operating system compatibility and a list of files contained on the compact disc including their names, sizes in bytes, and dates of creation; (3) a preliminary amendment to the specification identifying each disc and the files contained on the disc including the file name, file size, and file creation date; (4) a new duplicate set of two compact discs with only ASCII files, accompanied by a certification as required by 37 CFR 1.52(e); and (5) an authorization to charge the Deposit Account for any necessary fees.

After reviewing the Notice to File Missing Parts mailed on May 6, 2005, the Office has concluded that the Notice was incorrect in part. Instead, the Notice to File Missing Parts should have indicated that the item(s) listed below were missing.

- The compact disc(s) submitted fail to comply with 37 CFR 1.52(e) in that they contain non-ASCII files. A new duplicate set of compact discs with only ASCII files is required. Any replacement compact disc submitted should be accompanied by a certification as required by 37 CFR 1.52(e) that each disc of a duplicate set is identical to the other disc of the set. If a directory of the disc could be printed, it is attached and non-ASCII files are marked on the directory listing.

- This application is objected to because it contains a data file on CD-ROM/CD-R, however, the transmittal letter does not list for each compact disc, the machine format, the operating system compatibility, a list of files contained on the compact disc including their names, sizes in bytes, and dates of creation, plus any other special information that is necessary to identify, maintain, and interpret the information on the compact disc as required by 37 CFR 1.52(e)(3). A statement listing the required information is required. Additionally, the disc(s) is not identified in the paper portion of the specification with a listing of all of the files contained on the disc. When portions of an application are contained on a compact disc, the paper portion of the specification must identify the compact disc(s) and list the files including name, file size, and creation date on each of the compact discs. See 37 CFR 1.52(e). Applicant(s) are required to amend the specification to identify each disc and the files contained on the disc including the file name, file size, and file creation date.

Nevertheless, applicant submitted an appropriate response to the requirements indicated above to complete the application. Therefore, no further requirements to complete the application are necessary and the petition is granted.

The \$400.00 petition fee is unnecessary and will be refunded to the Deposit Account.

The matter is being referred to the Office of Initial Patent Examination to process the application as a complete application with a filing date of February 16, 2005. The Office of Initial Patent Examination has been advised of the errors contained in the Notice to File Missing Parts.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
FROM DIRECTORS OFFICE

APR 15 2005

TECHNOLOGY CENTER 5...

SCOTT T. GRIGGS
1717 Main Street
Suite 3400
Dallas, TX 75201

In re application of : **DECISION ON PETITION**
John L. Aker : **TO MAKE SPECIAL**
Application No. 11/059,199 : **(APPLICANT'S AGE)**
Filed: February 16, 2005 :
For: MODULATION CIRCUIT FOR A VEHICULAR
TRAFFIC SURVEILLANCE DOPPLER RADAR
SYSTEM

This is a decision on the petition submitted on February 16, 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 Mr. Aker indicating that he is at least 65 years of age.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt *bona fide* effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.



Steven N. Meyers
Special Programs Examiner
Patent Technology Center 3600
(703) 308-3868

SNM/pav: 04/12/05



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

Martha Ann Finnegan, Esquire
CABOT CORPORATION
Billerica Technical Center
157 Concord Road
Billerica MA 01821-7001

COPY MAILED
MAR 26 2007
OFFICE OF PETITIONS

In re Application of :
Charles E. Wickersham, Jr. : DECISION ON PETITION
Application No. 11/059212 :
Filing Date: 02/16/2005 :
Title of Invention: :
ULTRASONIC METHOD FOR :
DETECTING BANDING IN METALS :

This is a decision on the "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL FILING (37 CFR 1.137(f)) filed November 14, 2006.

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of a foreign or international application filed on February 16, 2005. However, the US Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the foreign or international application.

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 instant petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 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 indicating the projected publication date accompanies this decision on petition.

The application will be referred to Technology Center AU 1742 for continued examination in due course.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3232.



Derek L. Woods
Attorney
Office of Petitions

CC: KILYK & BOWERSOX, PLLC
400 HOLIDAY COURT
SUITE 102
WARRENTON, VA 20186

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
 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.
11/059,212	02/16/2005	Charles E. Wickersham JR.	03076CIP (3600-451-01)

CONFIRMATION NO. 8638

Martha Ann Finnegan, Esquire
 CABOT CORPORATION
 Billerica Technical Center
 157 Concord Road
 Billerica, MA 01821-7001

Date Mailed: 03/19/2007

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 06/28/2007.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"¹ then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

¹ Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/059,212	02/16/2005	Charles E. Wickersham JR.	03076CIP (3600-451-01)

CONFIRMATION NO. 8638

Martha Ann Finnegan, Esquire
CABOT CORPORATION
Billerica Technical Center
157 Concord Road
Billerica, MA 01821-7001

Date Mailed: 03/19/2007

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 06/28/2007.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"¹ then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

¹ Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE 4-25-08

Paper No.: _____

TO SPE OF : ART UNIT 1722

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/059224 Patent No.: 7296924

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 Review COFC

Please complete the response (see below) and forward the completed response to scanning using document code COCX.

Erin 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: _____

David Sample

DAVID SAMPLE 1797
SUPERVISORY PATENT EXAMINER Art Unit



**NEUSTEL LAW OFFICES, LTD.
2534 SOUTH UNIVERSITY DRIVE
SUITE 4
FARGO ND 58103**

COPY MAILED

JUN 19 2007

OFFICE OF PETITIONS

In re Application of
DORHOLT, Sigr E.
Application No. 11/059,228
Filed: February 16, 2005
Attorney Docket No. **DORH-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 March 12, 2007.

The request is **APPROVED**.

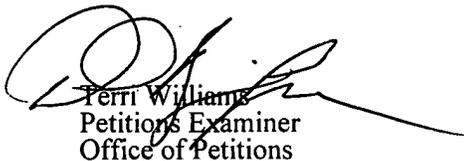
A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between 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 S. Neustel, the sole attorney of record. The undersigned attorney/agent has 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 Sigr E. Dorholt at the address indicated below.

There is an outstanding Office action mailed January 24, 2007 that requires a reply from the 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: **SIGRI E. DORHOLT
1707 3RD AVENUE SOUTHWEST
GRAND RAPIDS, MN 55744**



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

CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD, SUITE 350
BIRMINGHAM, MI 48009

COPY MAILED

APR 22 2009

In re Application of :
Alexander LIFSON, et al. :
Application No. 11/059,259 :
Filed: February 16, 2005 :
Attorney Docket No. 11072; 60246-448 :

OFFICE OF PETITIONS
DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 12, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue on or before December 19, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed September 19, 2008. Accordingly, the date of abandonment of this application is December 20, 2008.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1510, the publication fee of \$300, (2) the petition fee of \$1620; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to the Office of Data Management for processing into a patent.


Brian W. Brown
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Mail Date: 04/21/2010

Applicant : Debasis Majumdar : DECISION ON REQUEST FOR
Patent Number : 7630029 : RECALCULATION of PATENT
Issue Date : 12/08/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/059,270 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/16/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **736** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

ALSTON & BIRD, LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Mail Date: 04/21/2010

Applicant : David S. Nansen : DECISION ON REQUEST FOR
Patent Number : 7621437 : RECALCULATION of PATENT
Issue Date : 11/24/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/059,287 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/16/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **569** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



FLIESLER MEYER, LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO, CA 94108

COPY MAILED

JUN 05 2008

OFFICE OF PETITIONS

In re Patent No. 7,117,214 :
Issue Date: October 3, 2006 :
Application No. 11/059,289 : **ON PETITION**
Filed: February 16, 2005 :
Attorney Docket No. BEAS-01256US2 :

This is a decision on the petition under 37 CFR 1.182, filed May 30, 2007, requesting issuance of a duplicate Letters Patent for the above-identified patent.

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 Justas Geringson appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

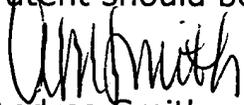
The petition is **granted**.

The Office of Data Management is directed to issue duplicate Letters Patent.

A copy of this decision is being forwarded to the Office of Data Management for issuance of the duplicate Letters Patent.

The patent file is being referred to the Files Repository.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3226. Any questions concerning issuance of the duplicate Letters Patent should be directed to Niomi Farmer at (703) 308-9250 ext 119.


Andrea Smith
Petitions Examiner
Office of Petitions

cc: Niomi Farmer, P/OPPD, South Tower 8th Floor, Room C23
FAX No. (571) 270-9753



AUG - 2 2007

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GRAYBEAL, JACKSON, HALEY LLP
155 - 108TH AVENUE NE
SUITE 350
BELLEVUE WA 98004-5973

In re Application of :
Michael Stürzl et al :
Serial No.: 11/059,292 : PETITION DECISION
Filed: February 16, 2006 :
Attorney Docket No.: 2546-001-03 :

This is a response to the petition under 37 CFR 1.59(b), filed June 27, 2007, to expunge information from the above identified application.

Petitioner requests that a document submitted June 21, 2007 (Certificate of Mailing date)(received June 25, 2007), be expunged from the record. Petitioner states that the document submitted was unintentionally submitted and contains unintended commentary subject to attorney-client privilege and failure to obtain its expungement would cause irreparable harm to the party who submitted the information. The petition fee set forth in 37 CFR 1.17(h) has been paid.

The information, which has been scanned, has been closed to public access which is the equivalent of expungement inasmuch as scanned documents cannot physically be returned. It is noted that a redacted copy of the document was submitted with the petition and this document has also been closed to public access.

It is noted that the petition fee for this petition is \$200.00. Applicants have submitted a fee of \$4000.00. The balance will be credited to applicants' Deposit Account No. 07-1897, as directed.

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, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at general Office facsimile number, 571-273-8300.


John LeGuyader
Director, Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

COPY MAILED
FEB 18 2010

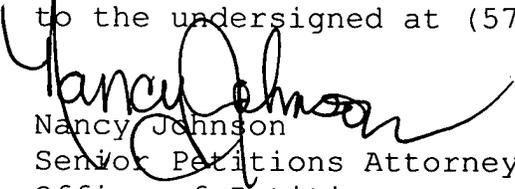
In re Patent No. 7,500,206 : DECISION ON REQUEST
Yamamoto et al. : FOR
Issue Date: March 3, 2009 : RECONSIDERATION OF
Application No. 11/059,311 : PATENT TERM ADJUSTMENT
Filed: February 17, 2005 : and
Atty Docket No. 074273-0223 : NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on April 16, 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 fifty-one (1051) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicated that the term of the above-identified patent is extended or adjusted by one thousand fifty-one (1051) days is **GRANTED**.

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 fifty-one (1051) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.


Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,500,206

DATED : **March 3, 2009**

DRAFT

INVENTOR(S) : Yamamoto 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 739 days

Delete the phrase "by 739 days" and insert – by 1051 days--



Alfred A. Stadnicki
Antonelli, Terry, Stout & Klaus, LLP
1300 North Seventeenth Street
Suite 1800
Arlington, VA 22209-3873

COPY MAILED

JUN 04 2009

In re Application of
Ravi Ganesan et al.
Application No. 11/059,370
Filed: February 17, 2005
Attorney Docket No. 3350.19B-CNT1

OFFICE OF PETITIONS

**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 24, 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 Bradley D. Baugh and all attorneys/agents of record has been revoked by the assignee of the patent application on July 20, 2005 and resubmitted on November 23, 2005. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Sutherland II
Sutherland, Asbill & Brennan, LLC
999 Peachtree Street
Atlanta, GA 30309



QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

COPY MAILED
DEC 30 2009
OFFICE OF PETITIONS

In re Application of :
Giniger et al. :
Application No. 11/059,397 :
Filed: February 17, 2005 : **DECISION ON PETITION**
Patent No. 7,286,837 :
Issued: October 23, 2007 :
Attorney Docket No. 061644C1C1 :

This is a decision on the request for Certificate of Correction, filed on May 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 request is **GRANTED**.

Petitioner indicates that the correct assignee is SNAPTRACK, Inc., and that the assignee's name was not properly designated by the Applicant at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The request was accompanied by a certificate of correction (and fee) and an authorization to charge the processing fee set forth in § 1.17(i) to a deposit account, as required by 3.81(b). Further, Office assignment records reflect that SNAPTRACK, Inc. is the assignee of record, which assignment was submitted for recordation as set forth in § 3.11 before issuance of the

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

patent. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed after issuance of this application into a patent.

Telephone inquiries concerning this decision should be directed to Christopher Bottorff at (571) 272-6692. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.



Christopher Bottorff
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

BERESKIN AND PARR LLP/S.E.N.C.R.L., s.r.l.
40 KING STREET WEST
BOX 401
TORONTO, ON M5H 3Y2
CANADA

Mail Date: 04/21/2010

Applicant	: Henry Behmann	: DECISION ON REQUEST FOR
Patent Number	: 7615157	: RECALCULATION OF PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/059,403	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/17/2005	: 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.



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

WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP
TEN POST OFFICE SQUARE
BOSTON, MA 02109

Mail Date: 04/26/2010

Applicant : James H. Wallace : DECISION ON REQUEST FOR
Patent Number : 7587685 : RECALCULATION of PATENT
Issue Date : 09/08/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/059,432 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/16/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1210** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant : Harry Bims : DECISION ON REQUEST FOR
Patent Number : 7668542 : RECALCULATION of PATENT
Issue Date : 02/23/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/059,463 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/16/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **457** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

MARSHALL, GERSTEIN & BORUN LLP (MICROSOFT)
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant : Ravi T. Rao : DECISION ON REQUEST FOR
Patent Number : 7647394 : RECALCULATION of PATENT
Issue Date : 01/12/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/059,473 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/15/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1064** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

MAR 25 2005

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAR 25 2005

OFFICE OF THE DIRECTOR
TC 3600

SCOTT T. GRIGGS
1717 Main Street
Suite 3400
Dallas, TX 75201

In re application of :
John L. Aker : **DECISION ON PETITION**
Application No. 11/059,474 : **TO MAKE SPECIAL**
Filed: February 16, 2005 : **(APPLICANT'S AGE)**
For: SYSTEM AND METHOD FOR CALIBRATING :
A VEHICULAR TRAFFIC SURVEILLANCE :
DOPPLER RADAR :

This is a decision on the petition submitted on February 16, 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 Mr. Aker indicating that he is at least 65 years of age.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.



Steven N. Meyers
Special Programs Examiner
Patent Technology Center 3600
(703) 308-3868

SNM/pav: 03/17/05



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**MAILED
FROM DIRECTORS OFFICE**

APR 26 2005

TECHNOLOGY CENTER 3600

SCOTT T. GRIGGS
1717 Main Street
Suite 3400
Dallas, TX 75201

In re application of : **DECISION ON PETITION**
John L. Aker : **TO MAKE SPECIAL**
Application No. 11/059,476 : **(APPLICANT'S AGE)**
Filed: February 16, 2005 :
For: VEHICULAR TRAFFIC SURVEILLANCE :
DOPPLER RADAR SYSTEM :

This is a decision on the petition submitted on February 16, 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 Mr. Aker indicating that he is at least 65 years of age.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.



Steven N. Meyers
Special Programs Examiner
Patent Technology Center 3600
(703) 308-3868

SNM/pav: 04/13/05



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

Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Hironobu Nakanishi	: DECISION ON REQUEST FOR
Patent Number	: 7618711	: RECALCULATION OF PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/059,483	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/17/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1117** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



BLANK ROME LLP
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON DC 20037

COPY MAILED

NOV 22 2006

OFFICE OF PETITIONS

In re Application of :
Milbrand, Jr., et al. :
Application No. 11/059,492 :
Filed: February 28, 2005 :
Attorney Docket No. 124315-00391 :
For: ENVIRONMENTALLY SEALED CHIP :
SOCKET :

ON PETITION

This is a decision on the petition, filed July 12, 2006, under 37 CFR 1.137(b) to revive the above-identified application.

The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the November 30, 2005 non-final Office action. No response being received and no extensions of time being obtained, this application became abandoned on March 1, 2006. A Notice of Abandonment was mailed on June 28, 2006.

Applicants have submitted an amendment in reply to the November 30, 2005 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the November 30, 2005 non-final Office action, and the petition fee.

The petition is **GRANTED**.

After the mailing of this decision the application will be forwarded to Technology Center AU 2839 for consideration of the amendment filed on July 12, 2006.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

COPY MAILED

JUL 01 2009

OFFICE OF PETITIONS

In re Application of

Sy Wiley, et al.

Application No. 11/059,499

Filed: February 17, 2009

Attorney Docket No. 025651-00003

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. § 1.136(b), filed May 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 Murat Ozgu on behalf of all attorneys of record who are associated with customer No. 04372. All attorneys/agents associated with the Customer Number 04372 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for

recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

The application became abandoned for failure to timely reply to the outstanding Office action mailed November 4, 2008.

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: SY WILEY
POLYTECH AMMUNITION COMPANY
5705 EAST TEXAS ST
NO. 32
BOSSIET CITY, LA 71111



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
11/059,499	02/17/2005	Sy Wiley	025651-00003

4372
ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

CONFIRMATION NO. 1296
POWER OF ATTORNEY NOTICE



Date Mailed: 06/25/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/06/2009.

- 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.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NIKOLAI & MERSEREAU, P.A.
900 SECOND AVENUE SOUTH
SUITE 820
MINNEAPOLIS MN 55402

COPY MAILED

MAR 05 2007

OFFICE OF PETITIONS

In re Patent No. 7,108,275 :
Issue Date: September 19, 2006 :
Application No. 11/059,514 :
Filed: February 16, 2005 :
Attorney Docket No.: US015906-2 :
(20050234.ORI) :

NOTICE

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) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions



**NORMAN M. CAMERON
SUITE 1401 - 1166 ALBERNI STREET
VANCOUVER BC V6E 3Z3 CA CANADA**

COPY MAILED

JUL 07 2006

In re Application of :
Aleks Velhner et al :
Application No. 11/059,544 :
Filed: February 17, 2005 :
Attorney Docket No. 1057P57US :

**OFFICE OF PETITIONS
ON PETITION**

This is a decision on the petition, filed June 16, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 21, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2834 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).



FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

COPY MAILED

JUN 28 2005

OFFICE OF PETITIONS

In re Application of :
Byron C. Robinson :
Application No. 11/059,557 : **DECISION GRANTING PETITION**
Filed: February 17, 2005 :
Attorney Docket No. 07328.0016-01000 :

This is a decision on the petition filed June 6, 2005, requesting that the above-identified application retain the presently accorded a filing date of February 17, 2005, with pages 114-117 of the specification as part of the original disclosure.

On February 17, 2005, the above-identified application was filed. On May 17, 2005, the Office of Initial Patent Examination mailed a "Notice of Omitted Items of Nonprovisional Application" (the "Notice"), stating that the application had been accorded a filing date of February 17, 2005, however, pages 114-117 of the specification appeared to have been omitted. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on June 6, 2005, applicants filed the present petition and a copy of an Office date-stamped postcard showing that, among other items, 178 pages encompassing the specification (including claims and abstract) were received on February 17, 2005.

Upon review of the record, pages 114-117 of the specification have not been located among the application papers. However, the evidence is convincing that the application papers deposited February 17, 2005, included pages 114-117 of the specification, which were subsequently misplaced by the Office. Therefore, the application, including pages 114-117 of the specification was complete on filing and entitled to the presently accorded filing date of February 17, 2005, with pages 114-117 of the specification as part of the original disclosure.

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 February 17, 2005, including pages 114-117 of the specification.

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

SIM & MCBURNEY
330 UNIVERSITY AVENUE
6TH FLOOR
TORONTO ON M5G 1R7 CA CANADA

COPY MAILED

AUG 18 2005

OFFICE OF PETITIONS

In re Application of	:	
Martin Schweizer et al.	:	
Application No. 11/059,563	:	DECISION ON PETITION
Filed: February 17, 2005	:	
Attorney Docket Number: 7865-236 MIS:jb	:	
Title: PREPARATION OF CANOLA PROTEIN	:	
ISOLATE AND USE IN AQUACULTURE	:	

This is a decision on the petition filed July 29, 2005, requesting that the above-identified application be accorded a filing date of February 17, 2005, with page 8 of the specification as part of the original disclosure of the application.

The application was deposited February 17, 2005. However, on April 29, 2005, the Office of Initial Patent Examination (OIPE) mailed a notice stating that the application had been accorded a filing date of February 17, 2005, and that the application appeared to have been deposited without page 8 of the specification. The notice further indicated that a properly executed oath or declaration, along with the associated surcharge and replacement drawings would be required. The notice set a two-month period for response.

With the present petition, Petitioner has submitted a copy of page 8 of the specification along with the petition fee, the surcharge, and a one-month extension of time. Petitioner has included a copy of his postcard receipt, and has set forth that page 8 of the specification was included on filing. In order to support this allegation, Petitioner has set forth that his firm retained local counsel to hand-deliver the file to the Office, and he believes that the page was included on filing.

THE RELEVANT SECTION OF THE MPEP

Section 503 of the MPEP, entitled Application Number and Filing Receipt, sets forth, in part:

RETURN POSTCARD

If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).

The postcard receipt will not serve as prima facie evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as prima facie evidence of receipt of those items.

The person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the postcard initialed by the person receiving the items.

Upon return of a postcard receipt from the USPTO, the postcard receipt should be promptly reviewed by the person who filed the items to ensure that every item specifically denoted on the postcard was received by the USPTO. If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as prima facie evidence of receipt of that item in the USPTO.

ANALYSIS

The PTO file is the official record of all papers filed in this application. It is noted that the electronic file contains 22 pages of specification, containing pages 1-7 and 9-23. Page 8 of the specification has not been located in the electronic file. Petitioner has explained that the application file is stored electronically at his firm. It is not clear if Petitioner provided the local firm with an electronic copy or a paper copy of the file to deposit with the Office. The local firm deposited a paper copy of the file with the Office on February 17, 2005. The local firm then provided Petitioner with a copy of the documents they believed to have been deposited with the Office on February 17, 2005, and page 8 was among those documents. Petitioner sets forth that it is "inconceivable that the application was filed with the specification missing page 8¹." There is nothing inconceivable about a firm failing to include a page of an application when depositing

¹ Petition, page 2.

said application with the Office. Neither the local firm's belief that page 8 of the specification was deposited on filing nor Petitioner's assertion that the omission is beyond the limits of conceivability is more persuasive than the PTO file.

Petitioner adds that "it would appear that the missing page of the specification was mislaid in the PTO²." An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. The PTO has a well established and well publicized practice of providing a receipt for papers filed in the PTO to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the PTO with a self-addressed postcard identifying the paper. A postcard receipt which *itemizes and properly identifies* the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO³.

Obviously, the degree on which applicants may rely on a postcard receipt to establish receipt of a particular item depends on the specificity of the itemization.

The postcard Petitioner has provided with this petition indicates that the package which was deposited with the Office on July 29, 2005 consisted of a "transmittal letter, fee transmittal, initial information data sheet, drawings (2 pgs), application, claims (39), abstract of disclosure, declaration, [and] POA."

The specification is not listed on the postcard. Perhaps the word "application" refers to the specification? What is clear is that page 8 of the specification did not make its way into the electronic file, and this postcard, which Petitioner prepared and submitted to the Office, cannot be relied upon to establish that page 8 of the specification was included on filing.

CONCLUSION

For these reasons, the petition is **DISMISSED**.

The petition fee of \$400 will not be refunded, as this petition was not necessitated by any error on the part of the Office.

OIPE will process this application with a filing date of February 17, 2005, using only the application papers which were filed on that date. Page 8 of the specification will not be entered.

If Petitioner desires for the examiner to consider this page which was not submitted as part of the original disclosure, then he may submit this page via an amendment. Any such amendment will, of course, be reviewed by the examiner for new matter⁴. The amendment is not new matter if the substance was a part of the disclosure of the prior application.

² Id.

³ See MPEP 503.

⁴ See MPEP 608.02(h) and 608.04.

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.

A handwritten signature in black ink, appearing to read "Paul Shanoski". The signature is written in a cursive style with a large initial "P".

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office



COPY MAILED

NOV 24 2009

OFFICE OF PETITIONS

FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

In re Patent of Edwards et al.	:	DECISION ON REQUEST
Patent No. 7,510,732	:	FOR RECONSIDERATION OF
Issue Date: March 31, 2009	:	PATENT TERM ADJUSTMENT
Application No. 11/059,580	:	AND NOTICE OF INTENT TO
Filing Date: February 16, 2005	:	ISSUE CERTIFICATE OF
Attorney Docket No. 18855-0002001	:	CORRECTION

This is in response to the "Application for Patent Term Adjustment Under 37 C.F.R. § 1.705(d)" filed June 1, 2009. Patentees request the determination of patent term adjustment indicated on the patent be corrected from one hundred seventy-seven (177) days to three hundred fifty-seven (357) days.

The request for reconsideration of the patent term adjustment indicated on the patent is **dismissed**.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of one hundred and sixty-nine (169) days.

Any response to this decision must be submitted within the longer of ONE (1) MONTH or THIRTY (30) DAYS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are NOT permitted.

The application matured into United States Patent No. 7,510,732 with a revised patent term adjustment of 177 days on March 31, 2009. The instant request for reconsideration of the patent term adjustment was timely filed on Monday, June 1, 2009.

Patentees assert the correct patent term adjustment is 357 days. Specifically, patentees assert the patent term adjustment on the patent should have been increased by 188 days, not 8 days, for Office delay under 35 U.S.C. § 154(b)(1)(B) ("B Delay").

The first issue to be addressed is the number of days of B Delay.

Per 35 U.S.C. § 154(b)(1)(B)(i), B Delay does not include “any time consumed by continued examination of the application requested by the applicant under section 132(b).”¹ In other words, B Delay in this case does not include the time period from December 10, 2008, the date a request for continued examination was filed, until March 31, 2009, the date the patent issued. Patentees assert the total number of days excluded from B Delay under 35 U.S.C. § 154(b)(1)(B)(i) is 111 days. However, the number of days excluded is 112 days which is the number of days beginning on December 10, 2008, and ending on March 31, 2009.

Per 35 U.S.C. § 154(b)(1)(B)(ii), B Delay does not include “any time consumed by appellate review by the Board of Patent Appeals and Interferences.” In other words, B Delay in this case does not include the time period from May 23, 2008, the date a Notice of Appeal was filed, until September 10, 2008, the date the Office mailed a Notice of Allowance in response to the Notice of Appeal. Patentees assert the total number of days excluded from B Delay under 35 U.S.C. § 154(b)(1)(B)(ii) is 110 days. However, the number of days excluded is 111 days which is the number of days beginning on May 23, 2008, and ending on September 10, 2008.

The application was filed February 16, 2005, and issued as a patent three years and 409 days later on March 31, 2009. The period of B Delay does not include 112 days pursuant to 35 U.S.C. § 154(b)(1)(B)(i) and does not include 111 days pursuant to 35 U.S.C. § 154(b)(1)(B)(ii). Therefore, the number of days of B Delay is 186 days (409 days - 112 days - 111 days).²

The second issue in this case is the extent, if any, to which the Office should have increased the patent term adjustment as a result of B Delay.

35 U.S.C. § 154(b)(2)(A) limits Office delay to the sum of delay under 35 U.S.C. § 154(b)(1)(A) (“A Delay”) and B Delay to the extent such periods of delay are not overlapping. Specifically, 35 U.S.C. § 154(b)(2)(A) states,

To the extent that time periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

Patentees do not dispute that the total period of Office delay is the sum of the period of A Delay and the period of B Delay to the extent the periods of delay do not overlap. However, patentees

¹ See also *Changes to Implement Patent Term Adjustment Under Twenty-Year Patent Term; Final Rule*, 65 Fed. Reg. 56,366, 53,370-53,371 (September 18, 2000):

35 U.S.C. 154(b)(1)(B) provides that an applicant may receive a term adjustment if the application is not issued within three years of the filing date of the application, excluding (among other things) any time consumed by continued examination requested under 35 U.S.C. 132(b). Once a request for continued examination under 35 U.S.C. 132(b) and § 1.114 is filed in an application, any further processing or examination of the application, including granting of a patent, is by virtue of the continued examination given to the application under 35 U.S.C. 132(b) and § 1.114.

² The instant case does not contain any time periods falling under 35 U.S.C. §§ 154(b)(1)(B)(iii).

assert the period of overlap is 0 days. The Office does not agree with patentees' assertion. The Office contends the period of overlap is 186 days.

The Office has described its position regarding the proper interpretation of 35 U.S.C. § 154(b)(2)(A) as follows:

If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment.³

In this case, the relevant time period when determining if periods of delay "overlap" is the time period from the filing date of the application, February 16, 2005, to the date of issuance of the patent, March 31, 2009, excluding the time period consumed by continued examination of the application under 35 U.S.C. § 132(b) and the time period consumed by review by the Board of Patent Appeals and Interferences.

The period of delay of 186 days of B Delay overlaps with 186 days of the 290 days of A Delay. Therefore, an increase in patent term adjustment for B Delay is unwarranted in this case and the period of adjustment of 8 days is being removed.

The Office recognizes patentee's arguments involving the Memorandum and Order entered in *Wyeth v. Dudas*, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). However, the Office is not persuaded that the Office's current and long standing interpretation of the statute is incorrect.

The Office's interpretation of 35 U.S.C. § 154(b)(2)(A) is consistent with the purpose of the statute. The language in 35 U.S.C. § 154(b)(2)(A) is the result of the passage of the American Inventors Protection Act, Pub. L. No. 106-113, §§ 4401, 113 Stat. 1501, 1501A-552.(1999).

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.

A section-by-section analysis of the American Inventors Protection Act, published in the Congressional Record at the request of Senator Lott, elaborated this limitation:

[T]otal adjustments granted for restorations under (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 * * * and administrative delay under section 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.⁴

The patent lists the patent term adjustment as 177 days as a result of the Office increasing the patent term adjustment by 8 days for B Delay. However, as previously discussed, the patent term adjustment should not have been increased any days for B Delay. Therefore, a certificate of correction will be issued in order to revise the patent to indicate a patent term adjustment of 169 days (177 days reduced by 8 days).

Submission of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fee is required.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by one hundred sixty-nine (169) days.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Draft Certificate of Correction

⁴ 145 Cong. Rec. S14,708, S14,718 (Nov. 17, 1999).

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO. : 7,510,732 B2

ISSUE DATE : March 31, 2009

DRAFT

INVENTOR(S) : Edwards 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 177 days.

Delete the phrase "by 177 days" and insert - by 169 days--



MAILED

MAY 17 2010

OFFICE OF PETITIONS

FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

In re Patent of Edwards et al.	:	DECISION ON REQUEST
Patent No. 7,510,732	:	FOR RECONSIDERATION OF
Issue Date: March 31, 2009	:	PATENT TERM ADJUSTMENT
Application No. 11/059,580	:	AND NOTICE OF INTENT TO
Filing Date: February 16, 2005	:	ISSUE CERTIFICATE OF
Attorney Docket No. 18855-0002001	:	CORRECTION

This is a decision on the renewed petition filed December 18, 2009, which is being treated as a petition under 37 C.F.R. § 1.705(d) requesting the patent term adjustment indicated on the patent be corrected to indicate the term of the patent is extended or adjusted by three hundred fifty-five (355) days.

The petition to correct the patent term adjustment indicated on the patent to indicate the term of the patent is extended or adjusted by three hundred fifty-five (355) days is **GRANTED**.

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 patent is extended or adjusted by **three hundred fifty-five (355) days**.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO. : 7,510,732 B2
ISSUE DATE : March 31, 2009
INVENTOR(S) : Edwards et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 177 days.

Delete the phrase "by 177 days" and insert - by 355 days--



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.

FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

COPY MAILED

MAR 31 2008

OFFICE OF PETITIONS

In re Patent No. 7,262,272 :
Kondejewski et al. : LETTER REGARDING
Issue Date: August 28, 2007 : PATENT TERM ADJUSTMENT
Application No. 11/059,582 : and
Filed: February 15, 2005 : NOTICE OF INTENT TO ISSUE
Atty Docket No. 16597-004002 : CERTIFICATE OF CORRECTION

This is in response to the LETTER REGARDING PATENT TERM ADJUSTMENT filed September 17, 2007. Pursuant to patentee's duty of good faith and candor, patentee discloses that the patent term adjustment included in the Issue Notification (and on the patent) may be longer than appropriate.

The request for correction 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 zero (0) days.

On August 28, 2007, the above-identified application matured into U.S. Patent No. 7,262,272, with a revised Patent Term Adjustment of 17 days. Patentees note that no Applicant Delay was accorded for the Response to Notice to File Missing Parts filed September 20, 2005.

Patentees are correct. A review of the application file reveals that applicant filed their complete response to the Notice to File Missing Parts of Nonprovisional Application mailed March 25, 2005 on September 20, 2005. As the response was filed outside the three-month period under 37 CFR 1.704(b), there was a failure to engage in reasonable efforts to conclude

prosecution. Accordingly, a period of reduction of 87 days should have been entered for this applicant delay.

In view thereof, the patent should have issued with a revised patent term adjustment of 0 days.

As this letter was submitted as an advisement to the Office of errors in Patentees' favor, the Office will not assess the \$200.00 fee 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.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by zero (0) days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,262,272 B2
DATED : August 28, 2007
INVENTOR(S) : Kondejewski et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 17 days

Delete the phrase "by 17 days" and insert -- by 0 days--



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

GUY McCLUNG
PMB 347
16690 CHAMPION FOREST DRIVE
SPRING, TX 77379-7023

COPY MAILED
APR 12 2006
OFFICE OF PETITIONS

In re Application of :
ELLISON et al. :
Application No. 11/059,584 : DECISION ON PETITION
Filed: February 16, 2005 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. SC 073 CIP :

This is a decision on the petition under 37 CFR § 1.78(a)(3), filed September 12, 2005, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for benefit of priority to the prior-filed application set forth in the concurrently filed amendment.

The petition is **DISMISSED AS MOOT.**

The petition is accompanied by an amendment to the first sentence of the specification following the title to include a reference to the prior-filed applications. A Preliminary Amendment filed May 13, 2005 includes an amendment to the first line of the specification identical to the priority claim filed with the petition under 37 CFR § 1.78(a)(3) on September 12, 2005. This reference was submitted within four months from the actual filing date of the later-filed application as set forth in 37 CFR § 1.78(a)(2)(ii). Additionally, the Patent Application Publication for the above-identified application (US 2005/0230110 A1) also includes this claim, and the Office noted the claim for priority to the prior-filed application as shown by its inclusion on the filing receipt. Therefore, the petition to accept a late claim for priority is not required.

In view of the above, the \$1370 petition fee submitted is unnecessary and will be refunded to petitioner by Treasury Check in due course.

Please note that the Power of Attorney By Assignee filed on May 16, 2005 is not in compliance with 37 CFR 3.71 and 3.73. In particular, 37 CFR 3.73(b) requires the signed statement identifying the assignee to be accompanied by either:

- (i) Documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment). For trademark matters only, the documents submitted to establish ownership may be required to be recorded pursuant to § 3.11 in the assignment records of the Office as a condition to permitting the assignee to take action in a matter pending before the Office. For patent matters only, the submission of the documentary evidence must be accompanied by 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).

A statement under 37 CFR 3.73(b) has not been made part of the record.

Any questions concerning this decision on petition may be directed to Denise Pothier at (571) 272-4787. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3672 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.



Frances Hicks
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

COPY MAILED

APR 04 2007

OFFICE OF PETITIONS

In re Application of :
Kiyoshi Hatanaka et al :
Application No. 11/059,585 : DECISION GRANTING PETITION
Filed: February 17, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 266054US3 :

This is a decision on the petition, filed April 3, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is GRANTED.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 23, 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 3729 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\Apr10\059585.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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

MAILED

MAY 21 2009

OFFICE OF PETITIONS

In re Application of :
Junji Hirata, et al. :
Application No. 11/059,586 : DECISION GRANTING PETITION
Filed: February 16, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. NGB-37655 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 20, 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 April 27, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2629 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/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.*



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

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

Mail Date: 04/21/2010

Applicant	: Junji Hirata	: DECISION ON REQUEST FOR
Patent Number	: 7598926	: RECALCULATION OF PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/059,586	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/16/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **947** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

MARSHALL, GERSTEIN & BORUN LLP (MICROSOFT)
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Ravi T. Rao	: DECISION ON REQUEST FOR
Patent Number	: 7640329	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/059,589	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/15/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1234** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

Mail Date: 05/25/2010

Applicant : Andreas Fleck : DECISION ON REQUEST FOR
Patent Number : 7630480 : RECALCULATION of PATENT
Issue Date : 12/08/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/059,603 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/17/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1331** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/059,625	02/17/2005	Yu-Chong Tai	049411-0305	6280
22428	7590	03/12/2008	EXAMINER	
FOLEY AND LARDNER LLP			LARKIN, DANIEL SEAN	
SUITE 500			ART UNIT	PAPER NUMBER
3000 K STREET NW			2856	
WASHINGTON, DC 20007			MAIL DATE	DELIVERY MODE
			03/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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

In re Application of TAI ET AL.

Appl. No.: 11/059,625

Filed: February 17, 2005

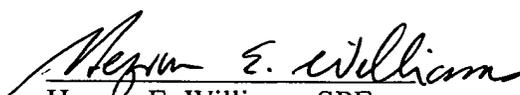
For: ON-CHIP TEMPERATURE CONTROLLED
LIQUID CHROMATOGRAPHY METHODS
AND DEVICES

:
:
: **Decision on Petition**
: *37 CFR 1.84(a)(2)*
:
:
:
:
:
:

This is a decision in response to the petition filed February 17, 2005 in the above-identified application. Petitioner request that color drawings be accepted in accordance with 37 CFR 1.84(a)(2). The petition states that Figures 1-17 best depicted in color, the enhance visual contrast, of the of (a) flow device process and cross section device process flow and stress distribution; (b) solvent preheating simulation and testing temperature gradient; (c) temperature dependencies, power and voltage input profiles of temperature gradient; and (d) both cycle voltametry and gradient chromatogram of derivatized amino acids at certain temperature, otherwise might be indistinct.

The papers filed on February 17, 2005 fulfill the requirements set forth in 37 CFR 1.84(a)(2) and the petition is granted.

SUMMARY: The petition is granted.


Hezron E. Williams, SPE
Patent Examining Technology Center 2800

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007



JGJR: 12-05

Paper No: __

MARGER JOHNSON
& MCCOLLOM, P.C.
210 SW MORRISON STREET, SUITE 400
PORTLAND OR 97204

COPY MAILED
DEC 02 2005
OFFICE OF PETITIONS

In re Application of	:	
Gregory, et al.	:	
Application No. 11/059,640	:	ON PETITION
Filed: 15 February, 2005	:	
Attorney Docket No. 4430-124	:	

This is a decision on the petition filed on 28 September, 2005, under 37 C.F.R. §1.47(a).

For the reasons set forth below, the petition under 37 C.F.R. §1.47(a) is **DISMISSED**.

NOTES:

- (1) Any reply must include a renewed petition (and fee) must include a petition under 37 C.F.R. §1.47 and must be submitted within two (2) months from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 C.F.R. §1.47";
- (2) Thereafter, there will be no further reconsideration of this matter.

BACKGROUND

The record indicates:

- the instant application was filed on 15 February, 2005, without, *inter alia*, a fully

executed oath/declaration;

- on 25 April, 2005, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration was required within two months;
- on 28 September, 2005, (over a Monday, 26 September certificate of mailing) Petitioner filed the instant petition and fee (and request and fee for extension of time) with, *inter alia*, a statement by James A. Hilsenteger (53,023), a statement of T. Ann Blair, PhD, MBA, averred to be the licensing associate of the averred assignee, along with an oath/declaration containing the signature of named co-inventor Brooke C. Basinger and Kenton W. Gregory MD (for themselves and on behalf of) but without the signature of named non-signing co-inventors Karen M Ahle (Ms. Ahle), Cyndia A. Sweet (Ms. Sweet), Elizabeth W. Johansen (Ms. Johansen), Benjamin C. Martin (Mr. Martin) and Jason DeCamp (Mr. DeCamp), and an averment that Ms. Ahle's, Ms. Sweet's, Ms. Johansen's, Mr. Martin's and Mr. DeCamp's signatures could not be obtained on the oath/declaration, however, there the clear evidence of the transmittal letter is that Ms. Blair transmitted to the non-signing inventors only the oath/declaration (and possibly and assignment document) and not the entire application (description, claims, abstract, drawings), as required, to be presented to the non-signing inventors.

ANALYSIS

The regulations at 37 C.F.R. §1.47 provide in pertinent part:

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

(a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

* * *

The regulations at 37 C.F.R. §1.63 provide in pertinent part:

§1.63 Oath or declaration.

(b) In addition to meeting the requirements of paragraph (a) of this section, the oath or declaration must also:

- (1) Identify the application to which it is directed;
- (2) State that the person making the oath or declaration has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration; and
- (3) State that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56.

When one alleges a refusal of the inventor to sign the application papers, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who, *inter alia*, presented the inventor with the application papers and/or to whom the refusal was made.

The commentary at MPEP §409.03(d) provides:

409.03(d) Proof of Unavailability or Refusal

INVENTOR CANNOT BE REACHED

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 C.F.R. §1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.

The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 C.F.R. §1.47.

Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under 37 C.F.R. §1.47. 37 C.F.R. §1.43 may be available under these circumstances. See MPEP §409.02. Such a petition under 37 C.F.R. §1.47 will be dismissed as inappropriate.

The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached

should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

REFUSAL TO JOIN

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 C.F.R. §1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP §106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 C.F.R. §1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient.

When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 C.F.R. §1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Thus, not only must a copy of the entire application must be sent to the last known address of the non-signing inventor (or the estate representative) with a request that he/she sign the declaration for the patent application—and evidence of that transmittal submitted—but also a reasonable effort must be made to ascertain a current or last known address, and the petition (with fee) must state over the signature and registration number of the Petitioner the last known address and, if appropriate, evidence of the due diligence effort ascertaining same.

Alternatively, an oath or declaration for the patent application in compliance with 37 C.F.R. §§1.63 and 1.64 must be presented.

(The declaration must set forth the inventor's residence, citizenship and post office address. An oath or declaration in compliance with 37 C.F.R. §§1.63 and 1.64 signed by the Rule 1.47 applicant is required.¹)

CONCLUSION

The record as it stands clearly evidences the failure to transmit the entire application (description, claims, abstract and drawings) to the non-signing inventors at current/valid (or at least last-known/ascertainable) addresses. The evidence of these requirements should be submitted with any renewed petition.

Out of an abundance of caution and because, *inter alia*, a property right is in question, Petitioner is requested to submit a copy of the transmittal letter with a renewed petition.

Therefore, the instant petition hereby is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:²

¹ See: MPEP 409.03(b).

² On July 15, 2005, the Central Facsimile (FAX) Number will change from (703) 872-9306 to (571) 273-8300. Faxes sent to the old number will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and (571) 273-8300 will be the only facsimile number recognized for centralized delivery. (For further information. see: <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/cfax062005.pdf>.)

By mail: Commissioner for Patents³
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: IFW Formal Filings
(571) 273-8300
ATTN.: Office of Petitions

By hand: Mail Stop: Petition
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3214.



John J. Gillon, Jr.
Senior Attorney
Office of Petitions

³ To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.



JGJR.: 06-06

Paper No: __

MARGER JOHNSON
& MCCOLLOM, P.C.
210 SW MORRISON STREET, SUITE 400
PORTLAND OR 97204

COPY MAILED

JUN 05 2006

OFFICE OF PETITIONS

In re Application of :
Gregory, et al. :
Application No. 11/059,640 :
Filed: 15 February, 2005 :
Attorney Docket No. 4430-124 :

ON PETITION

This is a decision on the petition filed on 31 March, 2006, under 37 C.F.R. §1.47(a).

For the reasons set forth below, the petition under 37 C.F.R. §1.47(a) is **DISMISSED**.

BACKGROUND

The record indicates:

- the instant application was filed on 15 February, 2005, without, *inter alia*, a fully executed oath/declaration;
- on 25 April, 2005, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration was required within two months;
- on 28 September, 2005, (over a Monday, 26 September certificate of mailing) Petitioner filed the original petition and fee (and request and fee for extension of time) with, *inter alia*, a statement by James A. Hilsenteger (53,023), a statement of T. Ann Blair, PhD, MBA, averred to be the licensing associate of the averred assignee, along with an oath/declaration containing the signature of named co-inventor Brooke C. Basinger and Kenton W. Gregory MD (for themselves and on behalf of) but without the signature of

named non-signing co-inventors Karen M Ahle (Ms. Ahle), Cyndia A. Sweet (Ms. Sweet), Elizabeth W. Johansen (Ms. Johansen), Benjamin C. Martin (Mr. Martin) and Jason DeCamp (Mr. DeCamp), and an averment that Ms. Ahle's, Ms. Sweet's, Ms. Johansen's, Mr. Martin's and Mr. DeCamp's signatures could not be obtained on the oath/declaration, however, the clear evidence of the transmittal letter was that Ms. Blair transmitted to the non-signing inventors only the oath/declaration (and possibly and assignment document) and not the entire application (description, claims, abstract, drawings), as required, to be presented to the non-signing inventors, and for that reason the petition was dismissed on 2 December, 2005;

- the instant petition was filed (with request and fee for extension of time) on 31 March, 2001, and contained both the averment that all inventors now had signed the oath/declaration and copies of said signed documents in evidence;
- thus, it now appears that the oath/declaration has been signed by all inventors.

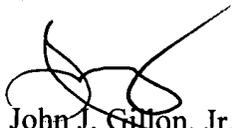
In view of the joinder of the inventors, further consideration under Rule 1.47(a) is not necessary and the petition is considered to be moot. This application does not have any Rule 1.47 status and no such status should appear on the file wrapper. This application need not be returned to this Office for any further consideration under Rule 1.47(a).

CONCLUSION

For the foregoing reasons, the instant petition is **dismissed as moot for joinder**.

This application is being released to OIPE for further processing as necessary before being returned to substantive examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3214.



John J. Gilton, Jr.
Senior Attorney
Office of Petition



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DW 2-6-07

FRANZ BONSANG
C/O PROTECTIONS EQUINOX INT'L
224 4480 COTE DE LIESSE
MONTREAL H4N 2R1
CANADA

COPY MAILED

JUL 11 2007

OFFICE OF PETITIONS

In re Application of :
Sylvain Landry :
Application No. 11/059677 :
Filed: 02/17/2005 :
Attorney Docket Number: 486- :
B02.US :

DECISION ON PETITION TO
WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the petition, filed on 4 May, 2007, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to timely respond to the non-final Office action mailed on 23 August, 2006, which set a three (3) month period for reply. Notice of Abandonment was mailed on 4 April, 2007.

Petitioner asserts that a response to the Office communication was timely filed by facsimile on 22 November, 2006.

A review of the official file reveals that on 22 November, 2006, an amendment in response to the Office action mailed on 23 August, 2006, was filed.

It is noted that the first page of the amendment inadvertently miscaptions the application number as "11/059,6~~6~~7". Under current Office procedure, a response that has an incorrect serial number is handled in accordance with M.P.E.P. § 508.03. If a paper having an incorrect serial number contains sufficient

information to identify the correct application and was timely received at the Office, the holding of abandonment will be withdrawn. In reviewing the papers which were submitted, it is concluded that there was sufficient information thereon to associate the papers with the present application file.

The papers filed on 22 November, 2006, have been located in the Office. A copy of the papers has been placed in the file of the subject application.

As petitioner has provided convincing evidence that a reply to the Office action mailed on 23 August, 2006, was timely filed, the showing of record is that there is no abandonment in fact.

The holding of abandonment is withdrawn, and the Notice of Abandonment is vacated.

The application is being referred to the Technology Center Art Unit 3618 for further processing.

Telephone inquiries concerning this matter may 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

COPY MAILED

SEP 28 2006

OFFICE OF PETITIONS

CONNOLLY BOVE LODGE & HUTZ LLP
P.O. Box 2207
Wilmington, DE 19899-2207

In re Application of	:	
AVERETT	:	
Application No. 11/059,698	:	DECISION ON PETITION
Filed: February 17, 2005	:	TO WITHDRAW
Attorney Docket No. 22222-00019-US1	:	FROM RECORD
	:	

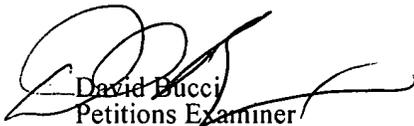
This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 07, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to CONNOLLY BOVE LODGE & HUTZ LLP has been revoked by the assignee of the patent application on August 25, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Patricia Volpe at 571-272- 6825.



David Buccini
Petitions Examiner
Office of Petitions

cc: BIRCH STEWART KOLASCH & BIRCH
P.O. Box 747
Falls Church, VA 22040-0747

cc: Mr. Kyu Pal Choi
Han Sung International Patent & Law Office
4th Floor, Halla Classic Building
824-11, Yeoksam-Dong
Kangnam-ku, Seoul
SOUTH KOREA


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
11/059,698	02/17/2005	Devron R. Averett	22222-00019-US1

30678
 CONNOLLY BOVE LODGE & HUTZ LLP
 P.O. BOX 2207
 WILMINGTON, DE 19899-2207

CONFIRMATION NO. 1059


OC000000020541426

Date Mailed: 09/22/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/25/2006.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

PATRICIA A VOLPE
 OP (571) 272-6825

FORMER ATTORNEY/AGENT COPY



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

IBM CORPORATION
3039 CORNWALLIS RD.
DEPT. T81 / B503, PO BOX 12195
RESEARCH TRIANGLE PARK, NC 27709

Mail Date: 04/20/2010

Applicant	: Kent Fillmore Hayes JR.	: DECISION ON REQUEST FOR
Patent Number	: 7647565	: RECALCULATION OF PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/059,722	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/16/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **880** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



BLAKELY SOKOLOFF
TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

COPY MAILED

DEC 15 2009

OFFICE OF PETITIONS

In re Application of :
Jeong, et al. :
Application No. 11/059,724 : DECISION
Filed/Deposited: 15 February, 2005 :
Attorney Docket No. 2013P266 :

This is a decision on the petition filed on 2 November, 2009, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioners always are directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness requirements for relief under 37 C.F.R. §1.181.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non final Office action mailed on 16 March, 2009, with reply due absent extension of time on or before 16 June, 2009.

The application went abandoned by operation of law after midnight 16 June, 2009.

The Office mailed the Notice of Abandonment on 5 October, 2009.

On 2 November, 2009, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181 and an averment of non-receipt and made the statements and provided documents (*e.g.*, docket sheet and

firm due date docket) in support of the averment that the Office action was not received at the correspondence address of record and other showings not inconsistent with the Commentary at MPEP §711.03(c)(I), which provides in pertinent part:

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.¹

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.²

¹ See: MPEP §711.03(c)(I)(A).

² See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.^{3, 4}

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.⁵

³ See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

⁴ The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.)

⁵ In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how and when it is to be made and supported.

Petitioner appears to have made the showing required.

CONCLUSION

Accordingly, the petition as considered under 37 C.F.R. §1.181 is **granted** and the 5 October, 2009, Notice of Abandonment is **vacated**.

The instant application is released to the Technology Center/AU 2629 for further processing in due course, to include the re-mailing of the Office action in question.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁶) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁶ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



COPY MAILED

NOV 20 2006

OFFICE OF PETITIONS

BENTON F. BAUGH
14626 OAK BEND
HOUSTON, TX 77079

In re Application of :
Baugh : DECISION ON PETITION
Application No. 11/059,726 :
Filed: February 17, 2005 :
For: UMBILICAL REEL SAFETY :
RELEASE :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed October 27, 2006.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

This application became abandoned May 17, 2005 for failure to timely submit a proper reply to the Notice to File Missing Parts (Notice) mailed March 16, 2005. The Notice set a two month shortened statutory period of time for reply. Notice of Abandonment was mailed September 28, 2006.

Petitioner has failed to establish that a proper reply to the Notice was timely submitted. Instead, petitioner references communications forwarded to the Office on several occasions. None of these communications were a complete reply to the outstanding Notice. As a result, the petition is subject to dismissal.

Any renewed petition must establish that a reply responsive to the Notice was timely submitted.

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).

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

Enclosure

**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.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	Date
Typed or printed name	Registration Number, if applicable
Address	Telephone Number
Address	

- Enclosures: Fee Payment
- Reply
- Terminal Disclaimer Form
- Additional sheets containing statements establishing unintentional delay
- Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



COPY MAILED

FEB 05 2007

OFFICE OF PETITIONS

BENTON F. BAUGH
14626 OAK BEND
HOUSTON TX 77079

In re Application of :
Baugh : DECISION ON PETITION
Application No. 11/059,726 :
Filed: February 17, 2005 :
For: UMBILICAL REEL SAFETY :
RELEASE :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed January 19, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned May 17, 2005 for failure to timely reply to the Notice to File Missing Parts of Provisional Application mailed March 16, 2005. The Notice set a two month shortened statutory period of time for reply. No petition for extension of time in accordance with 37 C.F.R. § 1.136 was timely submitted. Improper replies were submitted between March and August of 2005. Notice of Abandonment was mailed September 28, 2006. A petition under 37 CFR 1.181 was October 27, 2006 submitted and dismissed November 20, 2006.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

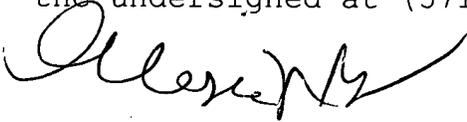
The instant petition has been reviewed and found in compliance with the provisions of 37 C.F.R. § 1.137(b). Accordingly, the failure to timely submit a proper reply to the Notice is accepted as having been unintentionally delayed.

Application No. 11/059,726

2

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

A handwritten signature in black ink, appearing to read "Alesia M. Brown". The signature is fluid and cursive, with a long horizontal stroke at the end.

Alesia M. Brown
Petitions Attorney
Office of Petitions



IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO. 11/059,727)

Applicant: TUCKER, R.)

Title: Manufacturing System)
and Process)

Filed: 2-17-2005)

ART UNIT: 1732

EXAMINER: -----

PETITION---NO FEE DUE

PETITION TO MAKE SPECIAL BASED ON APPLICANT'S AGE

It is hereby PETITIONED that the above-captioned case be granted SPECIAL STATUS for examination purposes based on Applicant's age(over 65). Birth Certificate copy enclosed.

SUBMITTED BY ATTORNEY

PHONE: 317-293-2966

Daniel J. O'Connor
Daniel J. O'Connor (#28,575)
6720 Buckhorn Drive, #821
Indianapolis, Indiana 46254

PETITION GRANTED

WJK
William Krynski
Special Program Examiner

AS P

TC 1700

APR - 4 2005 ⁰²



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

JUL 17 2007

OFFICE OF PETITIONS

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

In re Application of
Steven J. King, et al.
Application No. 11/059,730
Filed: February 17, 2005
Attorney Docket No. 60363 (49510)

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 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 George N. Chacias on behalf of all attorneys of record who are associated with customer No. 21874.

All attorneys/agents associated with the Customer Number 21874 have been withdrawn.

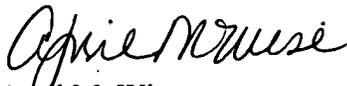
Applicant is reminded that there is no attorney of record at this time.

In view of the present decision, Edwards, Angell, Palmer & Dodge, LLP has/have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b). All future communications from the Office will be directed to the first named signing inventor 37 C.F.R. § 3.71 at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There is an outstanding Office action mailed June 22, 2007 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.



April M. Wise
Petitions Examiner
Office of Petitions

cc: STEVEN J. KING
7 OLD COLONY ROAD
OLD SAYBROOK, CT 06476


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
11/059,730	02/17/2005	Steven J. King	60363 (49510)

CONFIRMATION NO. 8787

21874
 EDWARDS ANGELL PALMER & DODGE LLP
 P.O. BOX 55874
 BOSTON, MA 02205



OC000000024845552

Date Mailed: 07/16/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/31/2007.

- 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.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

FORMER ATTORNEY/AGENT COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

BAINWOOD HUANG & ASSOCIATES LLC
2 CONNECTOR ROAD
WESTBOROUGH, MA 01581

Mail Date: 05/20/2010

Applicant : James N. Guichard : DECISION ON REQUEST FOR
Patent Number : 7620975 : RECALCULATION of PATENT
Issue Date : 11/17/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/059,736 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/17/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1310** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DW Oct-05

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE WA 98104-7092

COPY MAILED
OCT 11 2005
OFFICE OF PETITIONS

In re Application of :
Soltys et al. :
Application No. 11/059,743 : DECISION GRANTING PETITION
Filed: 16 February, 2005 :
Atty Dckt No. 110184.403C3 :

This is a decision on the petition under 37 CFR 1.10(c) filed on 9 August, 2005, requesting that the above-identified application be accorded a filing date of 16 February, 2005, rather than the presently accorded filing date of 17 February, 2005.

Petitioner alleges that the application was deposited in Express Mail service on 16 February, 2005. In support, on 9 August, 2005, petitioners supplied a copy of Express Mail Label No. EV529826241US (the same Express Mail number found on the itemized utility patent application transmittal accompanying the original application papers located in the official file). The Express Mail label bears a "date-in" of "021605". Additionally, the Express Mail label bears a USPS postmark dated "Feb. 16, 2005".

In view of the above, the correct date of deposit in Express Mail is 16 February, 2005.

The application is being referred to the Office of Initial Patent Examination for correction of the filing date to **16 February, 2005**, and mailing of a corrected Filing Receipt.

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



BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498

COPY MAILED

JUN 18 2007

OFFICE OF PETITIONS

In re Application of	:	
Sang-Young Lee et al.	:	
Application No. 11/059,749	:	DECISION ON PETITION
Filed: February 17, 2005	:	TO WITHDRAW
Attorney Docket No. A34350 PCT USA-I	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 20, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272- 2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Mr. Jae Y. Park**
Cantor Colburn LLP
55 Griffin Road South
Bloomfield, CT 06002



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

KOESTNER BERTANI LLP
2192 Martin St.
Suite 150
Irvine, CA 92612

Mail Date: 04/21/2010

Applicant	: Anthony L. Thornton	: DECISION ON REQUEST FOR
Patent Number	: 7637196	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/059,755	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/16/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **241** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



COPY MAILED

MAY 30 2007

OFFICE OF PETITIONS

KOESTNER BERTANI LLP
2192 MARTIN ST.
SUITE 150
IRVINE, CA 92612

In re Application of :
John M. Morgenstern et al :
Application No. 11/059,756 : DECISION ON PETITION
Filed: February 16, 2005 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 1023.P015USC1 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed December 26, 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 Supplemental Application Data Sheet filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Any inquiries concerning this decision may be directed to Irvin Dingle at (571) 272-3210. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3644 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.


Frances Hicks
Petition Examiner
Office of Petitions

cc: Koestner Bertani LLP
18662 MaCarthur Blvd., Suite 400
Irvine, CA 92612

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
11/059,756	02/16/2005	3644	1260	1023.P015USC1	20	3

CONFIRMATION NO. 8031

32794
 KOESTNER BERTANI LLP
 2192 Martin St.
 Suite 150
 Irvine, CA 92612

CORRECTED FILING RECEIPT



OC00000024139665

Date Mailed: 05/30/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

John M. Morgenstern, Lancaster, CA;
 Alan E. Arslan, Santa Clarita, CA;

Assignment For Published Patent Application

Supersonic Aerospace International, LLC, Las Vegas, NV

Power of Attorney: The patent practitioners associated with Customer Number **32794**.

Domestic Priority data as claimed by applicant

This application is a CIP of 10/706,671 11/11/2003 ABN

Foreign Applications

Projected Publication Date: To Be Determined - pending completion of Security Review

Non-Publication Request: No

Early Publication Request: No

Title

Wing employing leading edge flaps and winglets to achieve improved aerodynamic performance

Preliminary Class

244

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**GINNIE C. DERUSSEAU
CHASE LAW FIRM, L.C.
SUITE 130
4400 COLLEGE BOULEVARD
OVERLAND PARK, KS 66211**

COPY MAILED

MAR 16 2006

OFFICE OF PETITIONS

In re Application of :
Arendsdorf et al. :
Application No. 11/059,769 : **ON PETITION**
Filed: February 17, 2005 :
Attorney Docket No. 3519 :

This is a decision on the petition under 37 CFR §1.102(d), filed February 27, 2006, to make the above-identified application special. The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in M.P.E.P. § 708.02, Section II: Infringement.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

- (A) That there is an infringing device or product actually on the market or method in use;
- (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
- (C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition complies with all the above stated requirements. Accordingly, the above-identified application has been accorded "special" status

Telephone inquires concerning this decision should be directed to Petitions Examiner Liana Chase at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3765 for expedited prosecution.


David Bucci
Petitions Examiner
Office of Petitions



STATTler, JOHANSEN, AND ADELI LLP
1875 CENTURY PARK EAST SUITE 1360
CENTURY CITY CA 90067

COPY MAILED

JUL 17 2006

OFFICE OF PETITIONS

In re Application of	:	
Gallagher, Michael	:	
Application No. 11/059,772	:	DECISION GRANTING PETITION
Filed: February 16, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. KNTO.P0026	:	

This is a decision on the petition, filed April 25, 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 January 4, 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.

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 October 26, 2006, accompanies this decision on petition.

This matter is being referred to Technology Center Art Unit 2661 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

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/059,772	02/16/2005	Michael Gallagher	KNTO.P0026

CONFIRMATION NO. 8014

48947
 STATTNER, JOHANSEN, AND ADELI LLP
 1875 CENTURY PARK EAST SUITE 1360
 CENTURY CITY, CA 90067

Date Mailed: 07/17/2006

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 10/26/2006.

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".



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARK FARBER
VICE PRESIDENT INTELLECTUAL PROPERTY
TYCO HEALTHCARE GROUP, LP
150 GLOVER AVENUE
NORWALK, CT 06856

COPY MAILED

JAN 23 2007

OFFICE OF PETITIONS

In re Application of :
Paul A. Scirica :
Application No. 11/059,773 : DECISION GRANTING PETITION
Filed: February 17, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2941 :

This is a decision on the petition, filed January 22, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

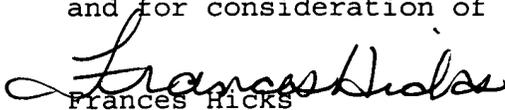
The petition is GRANTED.

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 January 8, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 3721 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.


FRANCES HICKS
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\Jan10\059773.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.



TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

COPY MAILED

APR 09 2007

In re Application of	:	OFFICE OF PETITIONS
Chang-Ho Do, et al.	:	
Application No. 11/059,777	:	DECISION GRANTING PETITION
Filed: February 16, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 00939H-089800US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 29, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 14, 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 2824 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 Karen Creasy
 Petitions Examiner
 Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). *Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Choate, hall & Stewart LLP
Two International Place
Boston, MA 02110

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of :
Timothy Yi-Chung Chow, et al. :
Application No. 11/059,781 :
Filed: February 17, 2005 :
Attorney Docket No. 2005796-0002 :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 18, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Christopher J. McKenna on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Notice of Appeal filed May 27, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.



Terri Williams
Petitions Examiner
Office of Petitions

cc: **Timothy Yi-Chung Chow**
30 Portsmouth Street
Cambridge, MA 02141

cc: **George Elias**
21634 NE 8th Place
Redmond, WA 98053



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
11/059,781	02/17/2005	Timothy Yi-Chung Chow	2005796-0002

CONFIRMATION NO. 9126

POWER OF ATTORNEY NOTICE



Date Mailed: 06/22/2009

24280
CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/18/2009.

- 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

ROBERT C. STRAWBRICH
71 JANICE PLACE
HAMBURG, NY 14075

MAILED

JUL 16 2010

OFFICE OF PETITIONS

In re Application of :
Paul Kaler :
Application No. 11/059,789 : DECISION ON PETITION
Filed: February 17, 2005 :
Attorney Docket No. 200501-01 :

This is a decision on the petition, filed May 19, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to reply to the Notification of Non-Compliant Appeal Brief (Office action) mailed August 11, 2009, which set a one (1) month period for reply. A Notice of Abandonment was mailed on March 11, 2010.

Petitioner asserts that the Office action dated August 11, 2009 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition fails to satisfy all of the above-stated requirements.

Accordingly, absent the required evidence to establish nonreceipt of the Office action of August 11, 2009, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the \$810 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.



Irvin Dingle
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BLAKELY SOKOLOFF TAYLOR & ZAFMAN, LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

COPY MAILED

AUG 28 2008

In re Application of :
Reuven Nanikashvili :
Application No. 11/059,791 : ON PETITION
Filed: February 16, 2005 :
Attorney Docket No. 7139P001XC :

This is a decision on the petition under 37 CFR 1.137(b), filed on March 11, 2008, 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 November 6, 2007. A Notice of Abandonment was mailed on February 29, 2008.

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 Oren Reches appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party on whose behalf he/she acts.

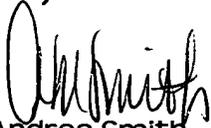
Additionally, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of \$720 for payment of the issue fee and \$300 for payment of the publication fee; (2) the petition fee of \$770; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

This application file is being referred to the Office of Data Management 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

cc: Oren Reches
Hatidar Street 17
Ra'anana 43665, 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
Alexandria, Virginia 22313-1450
www.uspto.gov

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Mail Date: 04/21/2010

Applicant	: Mason I. Greene	: DECISION ON REQUEST FOR
Patent Number	: 7594298	: RECALCULATION OF PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/059,852	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/17/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1158** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ADAMS EVANS P.A.
2180 TWO WACHOVIA CENTER
301 S. TRYON STREET
CHARLOTTE, NC 28282

COPY MAILED

AUG 10 2005

OFFICE OF PETITIONS

In re Application of :
Franz W. Kellar et al :
Application No. 11/059,856 :
Filed: February 17, 2005 :
Attorney Docket No. 3265/1 :

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed May 27, 2005, to change the order of inventorship.

The petition is **granted**.

Telephone inquiries concerning this matter may be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: Corrected Filing Receipt



TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

COPY MAILED

JUN 28 2005

OFFICE OF PETITIONS

In re Application of :
Charles E. Campbell :
Application No. 11/059,874 :
Filed: February 17, 2005 :
Attorney Docket No. 018158-021710US :

ON PETITION

This is a decision on papers styled, "Petition in Regard to Notice of Omitted Item," filed May 20, 2005, which is being treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of February 17, 2005, including Figure 4 described in the specification.

The application was submitted on February 17, 2005. However, on March 18, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Items in a Nonprovisional Application" (Notice) that stated the application had been accorded a filing date, and that Figure 4 described in the specification appears to have been omitted.

In response, on May 20, 2005, the instant petition and a one (1) sheet of drawings were submitted. Petitioner argues that Figure 4 described in the specification was filed on February 17, 2005.

In support, petitioner has submitted a stamped postcard receipt that indicates the receipt in the USPTO of "No. of Sheets of Drawings 6," on February 17, 2005. Petitioner's argument has been considered, but is not persuasive. A review of the application file indicates six (6) sheets of drawings, that include Figure nos. 1, 2, 3A, 3B, 5 and 6 (one Figure on each sheet of drawings), were submitted on February 17, 2005. As such, the review of the actual six sheets of drawings submitted on February 17, 2005, reveals that Figure 4 was, in fact, omitted.

The Patent and Trademark Office (Office) file is the official record of the papers originally filed in this application. A review of the official file reveals Figure 4 was omitted. Figure 4 was not filed on February 17, 2005, since no such Figure is present in the file. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence.

It is noted that petitioner has submitted, with the instant petition, one sheet of drawings that include Figure 4. It would appear from petitioner's submission that the inclusion of the missing Figure would increase the number of sheets of drawings from six (6) sheets, to seven (7) sheets (one additional sheet that contains the omitted Figure). Petitioner's submission of this one sheet of drawings only confirms the omission of Figure 4 from the original six (6) sheets of drawings submitted on February 17, 2005.

Accordingly, the petition is dismissed.

Additionally, applicant would like to add the omitted figure through incorporation by reference. However, no petition is necessary for that purpose.

MPEP 201.06(c) states:

B. Application Entitled to a Filing Date

If a continuation or divisional application as originally filed is entitled to a filing date despite the omission of a portion of the prior application(s), applicant will be permitted to add the omitted material by way of an amendment provided a statement was included in the application as originally filed that incorporates by reference the prior application(s). If the application as originally filed includes a proper incorporation by reference of the prior application(s), an omitted specification page(s) and/or drawing figure(s) identified in a "Notice of Omitted Item(s)" may be added by amendment provided the omitted item(s) contains only subject matter in common with such prior application(s). In such case, applicant need not respond to the "Notice of Omitted Item(s)." Applicant should submit the amendment adding the omitted material prior to the first Office action to avoid delays in the prosecution of the application. See MPEP 601.01(d) and 601.01(g).

If applicants desire that Figure 4 described in the specification be added to the application, the appropriate procedure is by way of amendment requesting the entry of the Figure. Any such amendment should be filed prior to the first action on the merits and will be considered by the primary examiner.

Please note, the petition fee will not be refunded, since the petition was not necessitated by any error on the part of the USPTO.

The application will be forwarded the Office of Initial Patent Examination for further processing with a filing date of February 17, 2005, using only the application papers filed on that date.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.



Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
United States Patent and Trademark Office


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
11/059,874	02/16/2005	3737	1000	018158-021710US	7	4	1

CONFIRMATION NO. 2801

20350
 TOWNSEND AND TOWNSEND AND CREW, LLP
 TWO EMBARCADERO CENTER
 EIGHTH FLOOR
 SAN FRANCISCO, CA 94111-3834

CORRECTED FILING RECEIPT


OC000000017070743

Date Mailed: 09/22/2005

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)

Charles E. Campbell, Berkeley, CA;

Assignment For Published Patent Application

VISX, Incorporated, Santa Clara, CA

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 10/364,766 02/10/2003 PAT 6,910,770

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 **US11/059,874**
Projected Publication Date: 12/29/2005

Non-Publication Request: No

Early Publication Request: No

Title

Eye refractor with active mirror wavefront sensor

Preliminary Class

351

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).



**AT& T LEGAL DEPARTMENT - MONKA
ATTN: PATENT DOCKETING
ROOM 2A - 207
ONE AT & T WAY
BEDMINSTER NJ 07921**

COPY MAILED

MAY 20 2009

OFFICE OF PETITIONS

In re Application of	:	
Chiu et al.	:	
Application No. 11/059,881	:	ON PETITION
Filed: February 17, 2005	:	
Attorney Docket No. 2004-0253	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 18, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(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,
- (2) the petition fee,
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

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.²

The instant petition lacks item(s) (1). The Office acknowledges receipt of the Issue Fee Transmittal with payment of the \$1,510.00 issue fee. However, on February 19, 2009, a USPTO Revenue Accounting and Management (RAM) Operator recorded that there was "insufficient

¹ In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

² See MPEP 711.03(c)(III)(C) and (D).

payment by credit card” for the \$300.00 publication fee due, along with the \$3.00 Advanced Order fee. Although petitioner did authorize the Office to charge any additional fees needed to Deposit Account No. 01-2745, it only authorized fees required under 37 CFR 1.16 and 1.17. The publication fee is required under 37 CFR 1.18(d).

Accordingly, for revival of the instant application, petitioner should remit payment of the \$300.00 publication fee. Should petitioner still wish for the Advanced Order copy, the \$3.00 fee should also be submitted.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer 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



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

AT & T LEGAL DEPARTMENT - WS
ATTN: PATENT DOCKETING
ROOM 2A-207
ONE AT & T WAY
BEDMINSTER NJ 07921

MAILED

JUN 21 2010

OFFICE OF PETITIONS

In re Application of :
Chiu et al. :
Application No. 11/059,881 : ON PETITION
Filed: February 17, 2005 :
Attorney Docket No. 2004-0253 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed May 20, 2010, to revive the above-identified application.

The petition is **GRANTED**.

Petitioner has correctly pointed out that the \$300.00 publication was not required by the Notice of Allowance. Accordingly, the previous petition satisfied the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Issue Fee Transmittal with payment of the \$1510.00 issue fee, (2) the petition fee, and (3) a proper statement of unintentional delay.

Petitioner has submitted another \$1620.00 petition fee with the instant petition, which is unnecessary. Accordingly, the fee will be refunded to petitioner's credit card.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions



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

John H. Thomas, P.C.
536 Granite Avenue
Richmond, VA 23226

Mail Date: 04/21/2010

Applicant : Roy Bates : DECISION ON REQUEST FOR
Patent Number : 7644653 : RECALCULATION of PATENT
Issue Date : 01/12/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/059,886 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/17/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **86** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Iandiorio Teska & Coleman
260 Bear Hill Road
Waltham, MA 02451

Mail Date: 04/22/2010

Applicant : Richard M. Lloyd : DECISION ON REQUEST FOR
Patent Number : 7621222 : RECALCULATION of PATENT
Issue Date : 11/24/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/059,891 : OF WYETH AND NOTICE OF INTENT TO
Filed : 02/17/2005 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **162** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.