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DEC 0 5 2007

OFFICE OF PETITIONS

In re Application of	:	
Bo Soon Chang	:	
Application No. 11/087484	:	
Filing or 371(c) Date: 03/22/2005	:	
Attorney Docket Number:	:	
CYPR-PM01008.CON	:	ON PETITION

This is a decision on the "Petition to Withdraw Holding of Abandonment", filed October 22, 2007. The petition is properly treated under 37 CFR § 1.181(a).

This Petition is hereby **dismissed**.

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

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed May 31, 2006. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned September 1, 2007. A Notice of Abandonment was mailed April 9, 2007.

Applicant's Assertion

Applicant files the present petition and asserts that a timely reply to the Office action, including an extension of time and authorization to charge the extension of time fee, was filed on September 29, 2006. In support of this assertion, Applicant files a copy of the reply.

A review of the Amendment Transmittal reveals that it contained a Certificate of Mailing under 37 CFR 1.8, certifying that the Amendment was mailed to this Office on September 29, 2007. The Certificate of Mailing was executed by Donna Petford.

Applicable Law, Rules and MPEP

37 CFR 1.8(b), Certificate of mailing or transmission, .The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, explains that

> (b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:
> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
> (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
> (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.
> (c) The Office may require additional evidence to determine if the correspondence was timely filed. (Emphasis supplied).

37 CFR 1.8(b)

Analysis and conclusion

Applicant has failed to comply with 37 CFR 1.8(b)(3). In this regard, a statement from Ms. Petford, which attests on a personal knowledge basis to the previous timely mailing or transmission, is required. The petition is dismissed without prejudice. Applicant should file a request for reconsideration of petition which includes the necessary statement.

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

By mail:	Director for Patents PO Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

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

Derek L. Woods
Attorney
Office of Petitions

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MAR 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Bo Soon Chang	:	
Application No. 11/087484	:	
Filing or 371(c) Date: 03/22/2005	:	
Attorney Docket Number:	:	
CYPR-PM01008.CON	:	ON PETITION

This is a decision on the "Petition to Withdraw Holding of Abandonment", filed October 22, 2007. The petition is properly treated under 37 CFR § 1.181(a).

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed May 31, 2006. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned September 1, 2007. A Notice of Abandonment was mailed April 9, 2007.

Applicant filed a petition to withdraw the holding of abandonment on October 22, 2007, asserting that a timely response to the Office action was filed. The petition was dismissed in a decision mailed December 5, 2007, for failing to comply with 37 CFR 1.8(b)(3), which requires a statement from a person with first hand knowledge of the previous mailing or transmission.

Applicant files the present petition and includes the Declaration of Ms. Donna Petford, attesting to the mailing of a reply to the Office action on September 29, 2006, under the provisions of 37 CFR 1.8.

In view of the above, the petition is granted. The application will be referred to Technology Center Art Unit 2125 for processing of the response, and for continued examination in due course.

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

Derek L. Woods
Attorney
Office of Petitions

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MAY - 2 2005

QUIRK & TRATOS
3773 Howard Hughes Parkway
Suite 500 North
Las Vegas, NV 89109

In re application of	:	**DECISION ON PETITION**
Peter Eliades	:	**TO MAKE SPECIAL**
Application No. 11/087,486	:	**(APPLICANT'S AGE)**
Filed: March 23, 2005	:	
For: TRUCK BED EXTENSION		

This is a decision on the petition submitted on March 23, 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. Eliades and a passport indicating that he is at least 65 years of age.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

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

Steven N. Meyers
Special Programs Examiner
Patent Technology Center 3600
(571) 272-6611

SNM/pav: 04/27/05

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QUIRK & TRATOS
3773 HOWARD HUGHES PARKWAY
SUITE 500 NORTH
LAS VEGAS, NV 89109

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JUL 0 5 2005

OFFICE OF PETITIONS

In re Application of :
Peter Eliades :
Application No. 11/087,486 :
Filed: March 23, 2005 : ON PETITION
Attorney Docket No. :
5792.00026 :

This is a decision in response to the Petition to Accord Filing Date, filed May 4, 2005, requesting the application be accorded a filing date of March 22, 2005, instead of the presently accorded filing date of March 23, 2005.

The petition is **dismissed**.

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

Petitioner alleges that he attempted to mail the above-identified application to this Office using the "Express Mail Post Office to Addressee" service of the United States Post Office, but that the application was refused by an employee of the USPS due to an interruption in "Express Mail" service. Applicant asserts that the post office Express where delivery was attempted closed early due to a safety issue. In support of this assertion, Applicant provides the Declaration of Gary C. Andrews, a runner for the Law Firm of Quirk and Tratos, wherein Mr. Andrews asserts that he attempted to mail the above application Express Mail at the Bonanza Road Post Office, but the Post Office was closed. Applicant also provides a copy of a letter from a Consumer Affairs Manager of the USPS to the effect that, due to safety issues, the Post Office Express located at 4421 E. Bonanza Road was closed early on March 22, [2005] due to a safety issue.

Applicant is advised that 37 CFR 1.10(h) provides that

> any person who attempts to mail correspondence addressed as set out in [37 CFR] § 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS, but has the correspondence refused by an employee of the USPS due to an interruption or emergency in "Express Mail" service, may petition the Director to consider the correspondence as filed on a particular date in the Office. This procedure does not apply where the USPS refused the "Express Mail" for a reason other than an interruption or emergency in "Express Mail" service such as the address was incomplete or the correspondence included insufficient payment for "Express Mail" service. In addition, this procedure does not apply because an "Express Mail" drop box is unavailable or a Post Office facility is closed." (Emphasis supplied)

37 CFR 1.10(h)

In a situation analogous to this one, the MPEP 513 cautions applicants that… any applicant choosing to deposit an application in an Express mail receptacle, rather than deliver the application to an open U.S. Postal Service office and observe the "Date-In" entered on the Express Mail label, is on notice that he or she bears the risk that there may be a discrepancy between the "Date-In" on the Express Mail label and the date on the certificate of Express Mailing.[1] Here, Applicants chose to deposit the above-identified application Express Mail at the end of the day (approximately 6:30 p.m.). Applicant bore the risk that that particular branch may have been closed.

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[1] Specifically, the Office must rely on the actions or inactions of petitioners' duly authorized and voluntarily chosen representatives, and petitioners are bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962). As such representative chose to deposit the above-identified application in an Express mail receptacle, rather than deliver the application to an open U.S. Postal Service office and observe the "Date-In" entered on the Express Mail label, petitioners' must bear the consequences of such action (*i.e.*, that there may be a discrepancy between the "Date-In" on the Express Mail label and the date on the certificate of Express Mailing).

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

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

By FAX: 703-872-9306
Attn: Office of Petitions
(After July 15, 2005; 571-273-8300)

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
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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SUITE 500 NORTH
LAS VEGAS, NV 89109

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AUG 3 1 2005

OFFICE OF PETITIONS

In re Application of :
Eliades et al. :
Application No. 11/087,486 :
Filed: March 23, 2005 : ON PETITION
Atty Docket No.: 87764.000026 :

This is a decision in response to the Request for Reconsideration of Petition, filed August 12, 2005, requesting the application be accorded a filing date of March 22, 2005, instead of the presently accorded filing date of March 23, 2005.

The petition is dismissed.

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

After a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner. Therefore, it is extremely important that petitioner supply **any** and **all** relevant information and documentation with his request for reconsideration. The Commissioner's decision will be based solely on the administrative record in existence. Petitioner should remember that it is not enough that the delay was unavoidable; petitioner must prove that the delay was unavoidable. A petition will not be granted if petitioner provides insufficient evidence to 'show' that the delay was unavoidable. Therefore, if a request for reconsideration is filed, it must establish that the entire delay in the submission of the maintenance fee was unavoidable.

Background

Petitioner filed a petition on April 29, 2005, requesting the application be accorded a filing date of March 22, 2005, instead of

the presently accorded filing date of March 23, 2005. Petitioner alleged that he attempted to mail the above identified application to this Office using the "Express Mail Post Office to Addressee" service of the United States Post Office ("USPS"), but that the application was refused by an employee of the USPS due to an interruption in "Express Mail" service. Petitioner asserted that the Post Office Express where delivery was attempted closed early due to a safety issue. In support of the assertion, Petitioner provided a copy of the Declaration of Gary C. Andrews, a runner for the law firm of Quirk & Tratos, wherein Mr. Andrews asserted that he attempted to mail the above-identified application Express Mail at the Bonanza Road Post Office, but the Post Office was closed. Petitioner also provided a copy of a letter from a Consumer Affairs Manager of the USPS to the effect that, due to safety issues, the Post Office Express located at 4421 E. Bonanza Road was closed early on March 22, [2005], due to a safety issue.

That petition was dismissed in a Decision mailed July 6, 2005. The Decision dismissing the petition informed Petitioner that 37 CFR 1.10(h) provides for situations where a person attempts to mail correspondence to this Office using "Express Mail Post Office to Addresssee" service of the USPS, but has the correspondence refused due to an interruption or emergency in "Express Mail" service, may petition this Office to consider the correspondence as filed on a particular date in the Office. Applicant was further advised that the procedure does not apply where a particular postal facility is closed.

The Decision analogized this situation to one where an applicant chooses to deposit correspondence in an Express Mail receptacle, rather than deliver the application to an open U.S. Postal Service Office and observe the "Date-In" entered on the Express Mail label. Applicant was advised that the MPEP cautions that an individual is on notice that he or she bears the risk that there may be a discrepancy between the "Date-In" on the Express Mail Label and the date on the Certificate of Express Mailing. In such a situation, Petitioner was informed that the Patent and Trademark Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and applicant is bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962); Huston v. Ladner, 973 F.2d 1564, 1567, 23 USPQ2d 1910, 1913 (Fed. Cir. 1992); see also Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (D.N. Ind. 1987).

The Decision dismissing the petition concluded that "[h]ere, Petitioner chose to deposit the above-identified application Express Mail at the end of the day (approximately 6:30 p.m.). Applicant bore the risk that that particular branch may have been closed." Dismissal at p.2.

The instant Request for Reconsideration

Petitioners filed this Request for Reconsideration and assert that Petitioners had a reasonable expectation that the post office would be open until 7:00 p.m. Petitioners next state that depositing Express Mail in an Express Mail Receptacle was not an option. Petitioners further assert that the closure was unusual and unexpected, and that Petitioner had no choice but to deposit the application the next morning. Petitioners aver that "it is inequitable to suggest that [Petitioners] bear the risk that the branch may have been closed during normal business hours." Petition at p.2. Petitioners conclude that by asserting that they rely upon Post Office locations being open and under unusual circumstances such as this should be able to overcome critical denial of priority by way of petition. Id.

Applicable Law, Rules, and MPEP

It is initially noted that the provisions of 37 CFR 1.10 do not apply to this petition. As was noted in the Decision dismissing the Petition mailed July 5, 2005, the procedure where an Applicant may petition this Office for a filing date based upon refusal of an employee of the USPS of an attempted mailing of correspondence via the Express Mail Post Office to Addressee service, due to an emergency in Express Mail service, does not apply because a Post Office facility is closed.

Regarding Petitioner's assertion, that "it is inequitable to suggest that [Petitioners] bear the risk that the branch may have been closed during normal business hours," Petitioner is advised that this is not an extraordinary situation such that justice would warrant waiver of a rule under 37 CFR 1.183.

Section 513 of the MPEP provides that

> [s]ince the filing of correspondence under 37 CFR 1.10 without the number of the "Express Mail" mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of

> this requirement will not be granted on petition. A party's inadvertent failure to comply with the requirements of a rule is not deemed to be an extraordinary situation that would warrant waiver of a rule under 37 CFR 1.183, 2.146(a)(5) or 2.148, nor is such an inadvertent omission considered "unavoidable," within the meaning of 15 U.S.C. 1062(b), 35 U.S.C. 133, 37 CFR 1.137(a) or 37 CFR 2.66(a). See *Honigsbaum v. Lehman*, 903 F. Supp. 8, 37 USPQ2d 1799 Rev. 2, May 2004 500-56 513 RECEIPT AND HANDLING OF MAIL AND PAPERS (D.D.C. 1995) (Commissioner did not abuse his discretion in refusing to waive requirements of 37 CFR 1.10(c) in order to grant filing date to patent application, where applicant failed to produce "Express Mail" customer receipt or any other evidence that application was actually deposited with USPS as "Express Mail."), *aff 'd without opinion*, 95 F.3d 1166 (Fed. Cir. 1996); *Nitto Chemical Industry. Co., Ltd. v. Comer*, 39 USPQ2d 1778, 1782 (D.D.C. 1994) *(Commissioner's refusal to waive requirements of 37 CFR 1.10 in order to grant priority filing date to patent application not arbitrary and capricious, because failure to comply with the requirements of 37 CFR 1.10 is an "avoidable" oversight that could have been prevented by the exercise of ordinary care or diligence, and thus not an extraordinary situation under 37 CFR 1.183.); Vincent v. Mossinghoff*, 230 USPQ 621 (D.D.C. 1985) (misunderstanding of 37 CFR 1.8 not unavoidable delay in responding to Office Action); *Gustafson v. Strange*, 227 USPQ 174 (Comm'r Pat. 1985) (counsel's unawareness of 37 CFR 1.8 not extraordinary situation warranting waiver of a rule); *In re Chicago Historical Antique Automobile Museum, Inc.*, 197 USPQ 289 (Comm'r Pat. 1978) (since certificate of mailing procedure under 37 CFR 1.8 was available to petitioner, lateness due to mail delay not deemed to be extraordinary situation). (Emphasis supplied).

In view of the above, Petitioner's assertion, "that it is inequitable to suggest that [Petitioners] bear the risk that the branch may have been closed during normal business hours", is without merit. Petitioner chose to attempt to deposit the correspondence at the end of the day (approximately 6:30 p.m.).

Applicant bore the risk that that particular branch may have been closed." *Accord Vincent v. Mossinghoff*, 230 USPQ 621 (D.D.C. 1985).

Finally, regarding the criticality of the filing date for priority purposes, it is also noted that the Office recognized the criticality of an application filing date when promulgating 37 CFR 1.10. The Office promulgated 37 CFR § 1.10 pursuant to the authority provided in 35 U.S.C. § 21. Public Law 97-247, 96 Stat. 317 (1982), amended 35 U.S.C. § 21 permitting, but not requiring, the Office to prescribe that any paper or fee required to be filed in the Office be considered filed in the Office on the date on which it was deposited with the U.S. Postal Service.

37 CFR § 1.8 provides a procedure by which the timely filing of papers and fees deposited with the U.S. Postal Service may be established without independent corroboration by an employee of the U.S. Postal Service (*i.e.*, established solely by the statement(s) from applicant or his or her counsel). The suggestion that 37 CFR § 1.8 be applicable to application papers deposited the U.S. Postal Service for purposes of obtaining a filing date was considered and expressly rejected. *The criticality of an application filing date was considered adequate to justify independent verification by an employee of the U.S. Postal Service of the date of deposit of the application papers with the U.S. Postal Service.* See rulemaking entitled "Revision of Patent Procedure," published in the *Federal Register* at 48 *Fed. Reg.* 2696, 2702 (January 20, 1983), and in the Patent and Trademark Office *Official Gazette* at 1027 *Off. Gaz. Pat. Office* 9, 25 (February 1, 1983). Put simply, the insertion by a disinterested employee of the U.S. Postal Service of the date of deposit in the U.S. Postal Service by Express Mail on the Express Mail label of the envelop containing application papers is the *raison d'être* of 37 CFR § 1.10.[1] (Emphasis supplied).

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[1] In promulgating 37 CFR § 1.10, the Office also considered other types of mail service (*e.g.*, registered mail and certified mail), but chose the "Express Mail" service since this service provides, *inter alia*, a legible mailing date on the "Express Mail" label for the records of both the applicant and the Office. See "Revision of Patent Procedure," 48 *Fed. Reg.* at 2697, 1027 *Off. Gaz. Pat. Office* 12-13.

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Derek L. Woods
Petitions Attorney
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MAR 2 3 2006

OFFICE OF PETITIONS

In re Application of	:	
Eliades et al.	:	
Application No. 11/087,486	:	
Filed: March 23, 2005	:	ON PETITION
Atty Docket No.: 87764.000026	:	

This is a decision in response to the Request for Reconsideration of Petition, filed November 1, 2005, requesting the application be accorded a filing date of March 22, 2005, instead of the presently accorded filing date of March 23, 2005.

The petition is denied.

Background

Petitioner filed a petition on April 29, 2005, requesting the application be accorded a filing date of March 22, 2005, instead of the presently accorded filing date of March 23, 2005. Petitioner alleged that he attempted to mail the above-identified application to this Office using the "Express Mail Post Office to Addressee" service of the United States Post Office ("USPS"), but that the application was refused by an employee of the USPS due to an interruption in "Express Mail" service. Petitioner asserted that the Post Office Express where delivery was attempted closed early due to a safety issue. In support of the assertion, Petitioner provided a copy of the Declaration of Gary C. Andrews, a runner for the law firm of Quirk & Tratos, wherein Mr. Andrews asserted that he attempted to mail the above-identified application Express Mail at the Bonanza Road Post Office, but the Post Office was closed. Petitioner also provided a copy of a letter from a Consumer Affairs Manager of the USPS to the effect that, due to safety issues, the Post Office Express located at 4421 E. Bonanza Road was closed early on March 22, [2005].

That petition was dismissed in a Decision mailed July 6, 2005. The Decision dismissing the petition informed Petitioner that 37 CFR 1.10(h) provides for situations where a person attempts to mail

correspondence to this Office using "Express Mail Post Office to Addressee" service of the USPS, but has the correspondence refused due to an interruption or emergency in "Express Mail" service, may petition this Office to consider the correspondence as filed on a particular date in the Office. Applicant was further advised that the procedure does not apply where a particular postal facility is closed.

The Decision analogized this situation to one where an applicant chooses to deposit correspondence in an Express Mail receptacle, rather than deliver the application to an open U.S. Postal Service Office and observe the "Date-In" entered on the Express Mail label. Applicant was advised that the MPEP cautions that an individual is on notice that he or she bears the risk that there may be a discrepancy between the "Date-In" on the Express Mail Label and the date on the Certificate of Express Mailing. In such a situation, Petitioner was informed that the Patent and Trademark Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and applicant is bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962); Huston v. Ladner, 973 F.2d 1564, 1567, 23 USPQ2d 1910, 1913 (Fed. Cir. 1992); see also Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (D.N. Ind. 1987).

The Decision dismissing the petition concluded that "[h]ere, Petitioner chose to deposit the above-identified application Express Mail at the end of the day (approximately 6:30 p.m.). Applicant bore the risk that that particular branch may have been closed." Dismissal at p.2.

The August 12, 2005 Request for Reconsideration

Petitioners filed a Request for Reconsideration on August 12, 2005 and asserted that Petitioners had a reasonable expectation that the post office would be open until 7:00 p.m. Petitioners next stated that depositing Express Mail in an Express Mail Receptacle was not an option. Petitioners further asserted that the closure was unusual and unexpected, and that Petitioner had no choice but to deposit the application the next morning. Petitioners averred that "it is inequitable to suggest that [Petitioners] bear the risk that the branch may have been closed during normal business hours." Petition at p.2. Petitioners concluded that by asserting that they rely upon Post Office locations being open and under unusual circumstances such as this should be able to overcome critical denial of priority by way of petition. Id.

The August 12, 2005 petition was dismissed in a decision mailed August 31, 2005. In the August 31, 2005 Decision, it was initially noted that the provisions of 37 CFR 1.10 were inapplicable to this petition. As was noted in the Decision dismissing the Petition mailed July 5, 2005, the procedure where an Applicant may petition this Office for a filing date based upon refusal of an employee of the USPS of an attempted mailing of correspondence via the Express Mail Post Office to Addressee service, due to an emergency in Express Mail service, does not apply because a Post Office facility is closed.

Regarding Petitioner's assertion, that "it [wa]s inequitable to suggest that [Petitioners] bear the risk that the branch may have been closed during normal business hours," Petitioner was advised that this is not an extraordinary situation such that justice would warrant waiver of a rule under 37 CFR 1.183. Petitioner was directed to Section 513 of the MPEP, which provides that

> [s]ince the filing of correspondence under 37 CFR 1.10 without the number of the "Express Mail" mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition. A party's inadvertent failure to comply with the requirements of a rule is not deemed to be an extraordinary situation that would warrant waiver of a rule under 37 CFR 1.183, 2.146(a)(5) or 2.148, nor is such an inadvertent omission considered "unavoidable," within the meaning of 15 U.S.C. 1062(b), 35 U.S.C. 133, 37 CFR 1.137(a) or 37 CFR 2.66(a). See *Honigsbaum v. Lehman*, 903 F. Supp. 8, 37 USPQ2d 1799 Rev. 2, May 2004 500-56 513 RECEIPT AND HANDLING OF MAIL AND PAPERS (D.D.C. 1995) (Commissioner did not abuse his discretion in refusing to waive requirements of 37 CFR 1.10(c) in order to grant filing date to patent application, where applicant failed to produce "Express Mail" customer receipt or any other evidence that application was actually deposited with USPS as "Express Mail."), *aff 'd without opinion*, 95 F.3d 1166 (Fed. Cir. 1996); *Nitto Chemical Industry. Co., Ltd. v. Comer*, 39 USPQ2d 1778, 1782 (D.D.C. 1994) (Commissioner's refusal to waive requirements of 37 CFR

> 1.10 in order to grant priority filing date to patent application not arbitrary and capricious, because failure to comply with the requirements of 37 CFR 1.10 is an "avoidable" oversight that could have been prevented by the exercise of ordinary care or diligence, and thus not an extraordinary situation under 37 CFR 1.183.); *Vincent v. Mossinghoff*, 230 USPQ 621 (D.D.C. 1985) (misunderstanding of 37 CFR 1.8 not unavoidable delay in responding to Office Action); *Gustafson v. Strange*, 227 USPQ 174 (Comm'r Pat. 1985) (counsel's unawareness of 37 CFR 1.8 not extraordinary situation warranting waiver of a rule); *In re Chicago Historical Antique Automobile Museum, Inc.*, 197 USPQ 289 (Comm'r Pat. 1978) (since certificate of mailing procedure under 37 CFR 1.8 was available to petitioner, lateness due to mail delay not deemed to be extraordinary situation). (Emphasis supplied).

In view of the above, Petitioner's assertion, "that it [wa]s inequitable to suggest that [Petitioners] bear the risk that the branch may have been closed during normal business hours", was deemed to be without merit. Petitioner was informed that he chose to attempt to deposit the correspondence at the end of the day (approximately 6:30 p.m.). In doing so, Applicant bore the risk that that particular branch may have been closed. *Accord Vincent v. Mossinghoff*, 230 USPQ 621 (D.D.C. 1985).

Finally, regarding the criticality of the filing date for priority purposes, it was also noted that the Office recognized the criticality of an application filing date when promulgating 37 CFR 1.10. The Office promulgated 37 CFR § 1.10 pursuant to the authority provided in 35 U.S.C. § 21. Public Law 97-247, 96 Stat. 317 (1982), amended 35 U.S.C. § 21 permitting, but not requiring, the Office to prescribe that any paper or fee required to be filed in the Office be considered filed in the Office on the date on which it was deposited with the U.S. Postal Service.

Further to this, it was noted that 37 CFR § 1.8 provides a procedure by which the timely filing of papers and fees deposited with the U.S. Postal Service may be established without independent corroboration by an employee of the U.S. Postal Service (*i.e.*, established solely by the statement(s) from applicant or his or her counsel). The suggestion that 37 CFR § 1.8 be applicable to application papers deposited the U.S.

Postal Service for purposes of obtaining a filing date was considered and expressly rejected. *The criticality of an application filing date was considered adequate to justify independent verification by an employee of the U.S. Postal Service of the date of deposit of the application papers with the U.S. Postal Service.* See rulemaking entitled "Revision of Patent Procedure," published in the *Federal Register* at 48 *Fed. Reg.* 2696, 2702 (January 20, 1983), and in the Patent and Trademark Office *Official Gazette* at 1027 *Off. Gaz. Pat. Office* 9, 25 (February 1, 1983). Put simply, the insertion by a disinterested employee of the U.S. Postal Service of the date of deposit in the U.S. Postal Service by Express Mail on the Express Mail label of the envelop containing application papers is the *raison d'être* of 37 CFR § 1.10.[1] (Emphasis supplied).

The August 12, 2005 petition was again dismissed. Applicant was advised that after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner.

The instant renewed petition.

Applicant files the instant Renewed Petition and asserts that the unexpected, emergency closing of a United States Post Office is an extraordinary circumstance, requiring waiver of 37 CFR 1.10.

Applicant further argues that the failure to comply with 37 CFR 1.10 was not an inadvertent failure; avoidable oversight, or based upon erroneous assumption about the rules operation. Applicant seeks to differentiate his actions from those in *Honigsbaum v. Lehman*, 903 F. Supp. 8, 37 USPQ2d 1799 Rev. 2, May 2004 500-56 513 RECEIPT AND HANDLING OF MAIL AND PAPERS (D.D.C. 1995), in that Applicant's inability to comply with the rule was not based upon his own careless actions.

---

[1] In promulgating 37 CFR § 1.10, the Office also considered other types of mail service (*e.g.*, registered mail and certified mail), but chose the "Express Mail" service since this service provides, *inter alia*, a legible mailing date on the "Express Mail" label for the records of both the applicant and the Office. See "Revision of Patent Procedure," 48 *Fed. Reg.* at 2697, 1027 *Off. Gaz. Pat. Office* 12-13.

Applicable Law, Rules and MPEP

35 U.S.C. 21 Filing date and day for taking action, provides:

> (a) The Director may by rule prescribe that any paper or fee required to be filed in the Patent and Trademark Office will be considered filed in the Office on the date on which it was deposited with the United States Postal Service or would have been deposited with the United States Postal Service but for postal service interruptions or emergencies designated by the Director.

The Office promulgated 37 CFR § 1.10 pursuant to the authority provided in 35 U.S.C. § 21. Public Law 97-247, 96 Stat. 317 (1982), amended 35 U.S.C. § 21 permitting, but not requiring, the Office to prescribe that any paper or fee required to be filed in the Office be considered filed in the Office on the date on which it was deposited with the U.S. Postal Service.

Under 37 CFR § 1.10, "Express Mail" is the only means by which correspondence filed in accordance with 37 CFR § 1.1(a) can be accorded a filing date other than the actual date of receipt in the Office. *See* "Changes To Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan," *69 Fed. Reg.* at 56490.

Further to this, 37 CFR § 1.10(h) was

> added to provide that any person who attempts to mail correspondence addressed as set out in § 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS, but has the correspondence refused by an employee of the USPS due to an interruption or emergency in "Express Mail" service, may petition the Director to consider the correspondence as filed on a particular date in the Office. <u>This procedure does not apply where</u> the USPS refused the "Express Mail" for a reason other than an interruption or emergency in "Express Mail" service. In addition, this procedure does not apply because an "Express Mail" drop box is unavailable <u>or a Post Office facility is closed</u>".

Id.

Finally, the Office refused to adopt a suggestion that 37 CFR § 1.10(i) be amended to allow a petition for "any emergency or interruption in "Express Mail" service". *Id.* at 56491. The Office amended 37 CFR § 1.10 wherein the Director designated certain events as a postal service interruption or emergency by rule (§ 1.10(g) or (h)). "The Office does not consider amending the rules as suggested to be appropriate because 35 U.S.C. 21(a) requires that the postal service interruption or emergency be designated by the director."

Analysis

The record discloses that Applicant chose to deposit the above-identified application Express Mail at the end of the day (approximately 6:30 p.m.).

The Post Office facility was closed.

Applicant asserts that Mr. Andrews left himself enough time to travel to various post office locations before being forced to deposit the package the next day, and that Mr. Andrews was refused at two different locations. However, as Applicant provides, Mr. Andrews was refused service at the second location because the post Office did not provide Express Mail Service.

As such, the record also discloses that Applicant failed to consider the possibility that a particular Post Office facility, that provided Express Mail Service Post Office to Addressee, may be closed, and that an alternate Post Office Branch which provided Express Mail Service Post Office to Addressee, may become necessary.

Finally, the record discloses that Mr. Andrews then traveled to a third post office facility, which was closed upon his arrival.

Analysis and Conclusion

In accordance with statute, 35 U.S.C. § 21(a), the only method whereby correspondence may be accorded a filing date other than the actual date of receipt in the Office is under the provisions of 37 CFR § 1.10. Moreover, 35 U.S.C. § 21(a) requires that the postal service interruption or emergency be designated by the Director. Here, the postal service interruption or emergency

was not one designated by the Director. Instead, a particular Post Office facility was closed. As such, the provisions of 37 CFR § 1.10 do not apply.

Moreover, because the statute requires that the postal service interruption or emergency be designated by the Director, waiver of this requirement not possible.

In such a situation, the Patent and Trademark Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and applicant is bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962); Huston v. Ladner, 973 F.2d 1564, 1567, 23 USPQ2d 1910, 1913 (Fed. Cir. 1992); see also Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (D.N. Ind. 1987).

For the above stated reasons, the petition is denied.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Derek L. Woods at (571) 272-3232.

Charles A. Pearson
Director
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

Aaron W. Baum
960 Natoma Street #3
San Francisco, CA 94103

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JUL 19 2006
OFFICE OF PETITIONS

In re Application of	:	DECISION ON PETITION
Aaron Wolf Baum	:	
Application No. 11/087,495	:	
Filed: March 24, 2005	:	
Title of Invention: HUMAN-BEARING INFLATABLE DEVICE	:	

This is a decision on the Petition to Revive the Application based upon unintentional abandonment, filed March 27, 2006. The delay in treating this petition is regretted.

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 Provisional Application (hereinafter "Notice"), mailed April 20, 2005. The 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 June 21, 2005. The mailing of this Decision precedes the mailing of a Notice of Abandonment.

With the instant petition, Applicant has filed fees in response to the Notice and completed the requirements of a grantable petition under 37 CFR 1.137(b).

This application is being forwarded 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SIEMENS SCHWEIZ AG
I-47, INTELLECTUAL PROPERTY
ALBISRIEDERSTRASSE 245
ZURICH CH-80-47 CH SWITZERLAND

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FEB 14 2008

OFFICE OF PETITIONS

In re Application of	:	
BERDELLE-HILGE, PETER	:	
Application No. 11/087,505	:	DECISION ON PETITION
Filed: 03/24/2005	:	
Attorney Docket No. 2005P01178US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 10, 2007, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed July 13, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on October 14, 2007. The Office mailed a Notice of Abandonment on November 6, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings (as replacement sheets), (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 the Office of Patent Publications for issuance of the patent.

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
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APR 1 4 2008

OFFICE OF PETITIONS

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

In re Application of	:	
WONG, Hing C. et al.	:	
Application No. 11/087,528	:	DECISION ON PETITION
Filed: March 22, 2005	:	TO WITHDRAW
Attorney Docket No. **TNA-005.06**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 14, 2007.

The request is **APPROVED**.

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

The request was signed by Beth Arnold on behalf of all attorneys of record who are associated with customer No. 25181. All attorneys/agents associated with the Customer Number 25181 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 December 10, 2007 that requires a reply from the applicant.

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **HING C. WONG**
2966 WENTWORTH
FORT LAUDERDALE, FL 33332

cc: **MORRISON & FOERSTER LLP**
755 PAGE MILL ROAD
PALTO ALTO, CA 94304-1018

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/087553	03/24/05	Uchida	SN-US055013

22919
Global IP Counselors, LLP
1233 20Th St, NW Suite 700
Washington, DC 20036-2680

DATE MAILED: October 16, 2007

DECISION GRANTING PETITION UNDER 37 CFR 1.138
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d) filed on March 24, 2005 requesting for a refund any previously paid search fee and excess claims fee in the above-identified application, and the petition under 37 CFR 1.138(c) filed on April 16, 2007, for express abandonment to avoid publication of the above-identified application.

The petitions are granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded. The application has been withdrawn from publication. A notice of abandonment will be mailed in due course.

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

571-272-4200

Pre-Grant Publication Division

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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NEEDLE & ROSENBERG, P.C.
Suite 1000
999 Peachtree Street
Atlanta, GA 30309-3915

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AUG 15 2007

OFFICE OF PETITIONS

Applicant: Moore et al.
Appl. No.: 11/087,561
Filing Date: March 24, 2005
Title: BIODEGRADABLE POLYURETHANE AND POLYURETHANE UREAS
Attorney Docket No.: 07082.0018U1
Pub. No.: US 2006/0051394 A1
Pub. Date: March 9, 2006

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on May 9, 2006, 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.

Applicant is advised that he may want to file application papers that are clearer, as the errors may be due to the quality of the text. The text in the application is small, which makes it difficult to read and to electronically reproduce by digital imaging and optical character recognition. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52.

Inquiries relating to this matter may be directed to Mark O. 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

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Ballard Spahr Andrews & Ingersoll, LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

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DEC 16 2008

Applicant: Moore
Appl. No.: 11/087,561
Filing Date: March 24, 2005
Title: BIODEGRADABLE URETHANE AND POLYURETHANE AREAS
Attorney Docket No.: 23292.0001U1
Pub. No.: 2007/0275033 A9
Pub. Date: November 29, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on January 25, 2008, 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. It is noted that the request for republication is granted due to errors responsive to the first request for republication was granted on August 15, 2007.

Inquiries relating to this matter may be directed to Michael Cygan at (571) 272-7700, or the undersigned at (571) 272-7709.

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

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NIXON PEABODY LLP
401 9TH ST NW
SUITE 900
WASHINGTON DC 20004-2128

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JUL 25 2005

OFFICE OF PETITIONS

In re Application of	:	
Ross, et al.	:	
Application No. 11/087,629	:	DECISION ACCORDING STATUS
Filed: March 24, 2005	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 740618-64	:	

This is in response to the petition under 37 CFR 1.47(a), filed June 21, 2005.

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

The above-identified application was filed on March 24, 2005, without an executed oath or declaration. Accordingly, on April 22, 2005, the Office mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration and a surcharge for its late filing. This Notice set a two-month period for reply.

In reply, applicant filed the instant petition on June 21, 2005. Accompanying the petition was a declaration executed by joint inventors David Allan Ross, Jeffery Derek Moore, Troy David English, Gerald D. Kuch, Charles Allan Pepper, Jonathan Douglas Laurie Pile, and Alun John Fryer, but with the signature block for inventor Christoper M. Rude left blank.

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, drawings, oath or declaration); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventors.

On petition, Carlos R. Villamar has detailed the steps taken to locate Rude, including leaving messages for Rude's parents, contacting a friend of Villamar (inventor Kuch), and conducting internet searches. A copy of the internet search was included, together with an e-mail was sent to Rude. However, as of the date of the petition, Rude has not been able to be reached.

The petition filed June 21, 2005, has been reviewed and determined to be in compliance with 37 CFR 1.47(a). The declaration filed with the petition has been determined to be in compliance with 37 CFR 1.63. Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The $200 petition fee, $130 surcharge for late filing of the declaration, and $40 assignment recording fee have been charged to Deposit Account No. 19-2380, as authorized.

The application file is being forwarded to Group Art Unit 2173 for docketing and examination in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (517)272-3207.

Cliff Congo

Cliff Congo
Petitions Attorney
Office of Petitions

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McDermott, Will & Emery, LLP
18191 Von Karman Avenue
Suite 500
Irvine, CA 92612-7108

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JUN 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Susan B. Parks et al.	:	
Application No. 11/087,670	:	DECISION ON PETITION
Filed: March 24, 2005	:	TO WITHDRAW
Attorney Docket No. 072886-0013	:	FROM RECORD
	:	

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 22, 2006.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to Dennis A. Duchene and all attorneys/agents of record has been revoked by the assignee of the patent application on May 10, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: GREENBERG TRAURIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA CA 90404

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20070803

DATE : August 3, 2007

TO SPE OF : ART UNIT 3747

SUBJECT : Request for Certificate of Correction on Patent No.: 7188020 ser. 11087674

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:

STEPHEN K. CRONIN
SUPERVISORY PATENT EXAMINER

SPE: Stephen Cronin **Art Unit** 3747

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/087,696	03/24/2005	Jae-hoon Koo	48226	7456

7590 12/03/2008
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER
CHEN, WENPENG

ART UNIT	PAPER NUMBER
2624	

MAIL DATE	DELIVERY MODE
12/03/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 12/04/2008 BPOWELL
03/28/2005 EFLORES 00000016 11087696
02 FC:1111 -500.00 OP

Repln. Ref: 12/04/2008 BPOWELL 0018113700
DA#:504053 Name/Number:11481516
FC: 9204 $500.00 CR

FORM PET651G (Rev. 08/07)

Repln. Ref: 12/04/2008 BPOWELL 0018132600
DA#:182220 Name/Number:11087696
FC: 9204 $500.00 CR

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/087,698	03/24/2005	Yong-Sam Kim	P57438	7471

7590 10/10/2008

Robert E. Bushnell
Suite 300
1522 K Street, N.W.
Washington, DC 20005-1202

EXAMINER
ECHELMEYER, ALIX ELIZABETH

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
10/10/2008	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.

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10/10/08

mbc

In re application of:	Kim	:	DECISION ON
Serial no.:	11/087,698	:	PETITION
Filed:	March 24, 2005	:	
For:	CAP ASSEMBLY AND SECONDARY BATTERY USING THE SAME	:	

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 FOR ENTRY OF THE AMENDMENT AFTER FINAL filed July 24, 2008.

On May 30, 2008, a final rejection was mailed rejecting claim 20 under 35 USC 102(b) as anticipated by Naing (U.S. Patent 5,853,912), rejecting claims 1, 3-5, 7-10, 12-13, and 15-19 under 35 USC 103(a) as obvious over Tsurutani (U.S. Patent 6,284,403), rejecting claims 2 and 11 under 35 USC 103(a) as obvious over Tsurutani in view of Naing, and rejecting claims 6 and 14 under 35 USC 103(a) as obvious over Tsurutani in view of Kim. On July 24, 2008, Applicant proposed an After Final amendment that, in part, incorporated features of claims 5, 6, and 20 into claim 1.

On August 7, 2008, applicant filed the instant petition under 37 CFR 1.181 to formally request entry of the after final amendment filed July 24, 2008. the withdrawal of finality of the restriction requirement of May 21, 2007. Applicant's position for the withdrawal of the finality cannot raise new issues that require further search and/or consideration because all the limitations were already present in the claims.

DECISION

As stated in MPEP 714.13:
"The proposed amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified. Ordinarily, the specific deficiencies of the amendment need not be discussed... If the proposed amendment presents new issues requiring further consideration and/or search, the examiner

should provide an explanation as to the reasons why the proposed amendment raises new issues that would require further consideration and/or search. The reasons for nonentry should be concisely expressed. For example:

...

(C) The claims as amended present new issues requiring further consideration or search."

As acknowledged by the petitioner, the proposed amendment incorporated features of claim 6 and 20 into claim 1. Claim 1 was rejected over Tsurutani alone, but the rejections of claims 6 and 20 relied on Kim and Naing, respectively. Accordingly, it appears that upon entry, the examiner would reasonably have had to consider whether a rejection using a combination of all three of Tsurutani, Kim, and Naing would have been appropriate. This combination of references would form a new ground of rejection, and therefore consideration of this combination would be a new issue. Therefore, the nonentry of the amendment was proper.

The petition is **DISMISSED**.

/JACQUELINE STONE/

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

Robert E. Bushnell
1522 K Street NW, Suite 300
Washington, DC 20005

UNITED STATES PATENT AND TRADEMARK OFFICE

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SLATER & MATSIL LLP
17950 PRESTON ROAD
SUITE 1000
DALLAS TX 75252

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SEP 22 2005

OFFICE OF PETITIONS

In re Application of	:
Abargues and Elian	:
Application No. 11/087,729	: DECISION REFUSING STATUS
Filed: March 23, 2005	: UNDER 37 CFR 1.47(a)
Attorney Docket No. 2002 P 10007 US	:

This is in response to the petition under 37 CFR 1.47(a), filed July 20, 2005. Applicants obtained a one-month extension of time to respond. Accordingly, the petition is timely filed.

The petition is dismissed.

Applicants are given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a). No petition fee is required for the filing of the Request for Reconsideration.

On March 23, 2005, applicants filed the above-identified application. On April 20, 2005, the Office of Initial Patent Examination mailed a "Notice to File Missing Parts of Application," requiring an oath or declaration, the statutory basic filing fee, a surcharge for their late filing, a search fee, an examination fee, addition claim fees, and replacement drawings.

In response, on July 20, 2005, applicants filed the present petition, a Statement of Facts of Uwe Hermann, German Counsel for applicants, a declaration executed by one of the two joint

inventors, replacement drawings, a request for extension of time for response within the first month, and an authorization to charge any necessary fees.[1]

In the Statement of Facts, Herman stated that on May 2, 2005, applicants sent the signature documents for the above-referenced application, as well as the specification and drawings to Rafael Abargues, the non-signing inventor, via post to his last known address. Herman asserted that the envelope was returned on May 6, 2005, with an indication that it could not be delivered. Herman further stated that on May 9, 2005, applicants attempted to contact Abargues via email, but it was returned with an indication that the email account was no longer available. A copy of the letter, the return envelope, and the email accompany the petition as exhibits; however, the exhibits are in German and applicants did not supply an English translation.

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

As to item (1), applicants failed to show that the inventor could not be reached after diligent efforts. In the present petition, applicants did not set forth in detail why the envelope could not be delivered by the postal service, as well as what diligent efforts applicants made to obtain a current mailing or email address for Abargues. Accordingly, the record currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate Abargues so as to obtain his signature on the declaration, such that the declaration can be accepted under 37 CFR 1.47.

Where inability to find or locate a named inventor is alleged, 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 to locate the inventor. A person having firsthand knowledge of the facts must sign the statement of facts, where at

[1] Applicants authorized the Office to charge their Deposit Account a $130.00 fee for filing the present petition. The current fee for filing a petition under 37 CFR 1.47(a) is $200.00. Therefore, applicants' Deposit Account will be charged the difference in the amount of $70.00.

all possible. If attempts to obtain a forwarding address and to locate the non-signing inventor by other means such as through E-mail, telephone, the Internet, or an employer continue to fail, then applicants will have provided the necessary proof required under 37 CFR 1.47 that the inventor cannot be reached. Applicants should submit documentary evidence of their attempts to obtain the most current address of the non-signing inventor. It is important that the forthcoming communication contain statements of fact as opposed to conclusions. If there is an express oral refusal, a statement from the person to whom that refusal was made should be made of record.

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

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

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

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

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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Suite 1000
Dallas TX 75252

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NOV 17 2005

OFFICE OF PETITIONS

In re Application of	:	
Abargues and Elian	:	DECISION NOTING JOINDER
Application No. 11/087,729	:	OF INVENTOR AND PETITION
Filed: March 23, 2005	:	UNDER 37 CFR 1.47(a) MOOT
Attorney Docket No. 2002 P 10007 US	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed on November 9, 2005.

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

This matter is being referred to Technology Center Art Unit 1752.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/087,732	03/23/2005	Petteri Poyhonen	NOKM:125PA	9675

76385 7590 08/26/2009
Hollingsworth & Funk
8500 Normandale Lake Blvd., Suite 320
Minneapolis, MN 55437

EXAMINER
GUZMAN, APRIL S

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
08/26/2009	PAPER

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

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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAIL

AUG 2 6 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

Hollingsworth & Funk
8500 Normandale Lake Blvd., Suite 320
Minneapolis MN 55437

In re Application of:	:	
POYHONEN, PETTERI, et al.	:	DECISION ON PETITION TO
Application Serial No.: 11/087,732	:	WITHDRAW RESTRICTION
Filed: March 23, 2005	:	REQUIREMENT UNDER
For: **SYSTEM AND METHOD FOR DYNAMIC INTERFACE MANAGEMENT**	:	37 CFR 1.144

This is a decision on the petition filed February 5, 2009, under 37 CFR § 1.144 requesting withdrawal of the restriction requirement issued by the examiner on April 10, 2008; traversed by applicants in a response filed June 9, 2008; and maintained by the examiner in an Office action dated September 9, 2008.

The restriction requirement of April 10, 2008 set forth two groupings. The Examiner set these two groupings as related processes. From reviewing the claims it is apparent that any potential grouping would be more suited toward a process and apparatus for its practice if they are grouped. Claim 1 is a method comprising receiving, analyzing, applying..,etc.; and claim 24 (withdrawn) as a system, apparently for carrying out the method (process) of group 1 (claim 1+.)

Consequently, these "groupings" are related as a process and apparatus for its practice and not related processes.

For the above stated reasons, the petition to withdraw the restriction requirement is **GRANTED**.

The restriction requirement is hereby VACATED. The Application is being returned to the examiner to set forth a restriction of all pending claims in a proper format defined in MPEP 800 or an office action on the merits of all pending claims.

Mark R. Powell

Mark R. Powell, Director
Technology Center 2600
Communications

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SEP 26 2008

FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE WI 53202-5306

In re Application of	:
Eckmiller	: DECISION ON APPLICATION
Application No. 11/087,745	: FOR PATENT TERM ADJUSTMENT
Filed: March 24, 2005	:
Atty. Dkt. No.: 072521-0109	:

This is a decision on the "APPLICATION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed June 27, 2008.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is hereby GRANTED.

The correct determination of PTA at the time of the mailing of the Notice of Allowance is 678 days.

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b), mailed April 1, 2008, indicated a patent term adjustment (PTA) to date of 533 days. The instant application for PTA was timely filed June 27, 2008. Applicant argues that in accordance with 37 CFR 1.702(a)(1), the application is entitled to a patent term adjustment of 678 days.

A review of the record reveals that applicant is correct. The application is entitled to an adjustment of 678 days in accordance with 37 CFR 1.702(a)(1). It is noted that a Notice of Allowance and Issue Fee Due (Notice) was mailed November 8, 2007. The Notice was returned to the Office as undeliverable on November 13, 2007. A new Notice was mailed April 1, 2008. The new Notice set a new period of time for reply. Accordingly, the period of adjustment commenced May 25, 2006, the day after the date that is 14 months after the date that the application was filed, and ended April 1, 2008, the date that the new Notice was mailed. *See*, 37 CFR 1.703(1).

In view thereof, at the time of allowance, the application is entitled to an overall adjustment of 678 days.

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

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 application file is being forwarded to the Office of Patent Publication for issuance of a patent.

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

Kery A. Fries

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

Enclosure: Adjusted PAIR Calculation

Day : Friday
Date: 9/26/2008

PALM INTRANET

Time: 09:46:57

PTA Calculations for Application: 11/087745			
Application Filing Date:	03/24/2005	PTO Delay (PTO):	533
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	678
PTO Delay Adjustment:	145		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
38	09/26/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	145		
29	04/01/2008	MAIL CORRECTED NOTICE OF ALLOWANCE			
28	04/01/2008	CORRECTED NOTICE OF ALLOWANCE			
27	11/27/2007	FINISHED INITIAL DATA CAPTURE			
26	11/12/2007	EXPORT TO INITIAL DATA CAPTURE			
25	11/08/2007	MAIL NOTICE OF ALLOWANCE	533		-1
24	11/06/2007	ISSUE REVISION COMPLETED			
23	11/06/2007	DOCUMENT VERIFICATION			
22	11/06/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
21	10/29/2007	NOTICE OF ALLOWABILITY			
20	04/03/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
19	10/03/2007	CASE DOCKETED TO EXAMINER IN GAU			
18	09/12/2007	CASE DOCKETED TO EXAMINER IN GAU			
17	02/12/2007	TRANSFER INQUIRY TO GAU			
16	08/06/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
14	07/19/2005	PRELIMINARY AMENDMENT			
13	04/03/2006	REFERENCE CAPTURE ON IDS			
12.7	04/03/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	04/03/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	09/29/2005	TRANSFER INQUIRY TO GAU			
10	08/01/2005	APPLICATION DISPATCHED FROM OIPE			
9	08/01/2005	APPLICATION IS NOW COMPLETE			

8	07/19/2005	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
7	03/24/2005	CLAIM PRELIMINARY AMENDMENT			
6	07/19/2005	APPLICANT HAS SUBMITTED NEW DRAWINGS TO CORRECT CORRECTED PAPERS PROBLEMS			
4	04/25/2005	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
3	04/11/2005	CLEARED BY OIPE CSR			
2	04/06/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	03/24/2005	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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Alexa Brown

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Day : Tuesday
Date: 9/9/2008
Time: 13:49:05

PTA Calculations for Application: 11/087745			
Application Filing Date:	03/24/2005	PTO Delay (PTO):	533 678
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	533 678
PTO Delay Adjustment:	0		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
29	04/01/2008	MAIL CORRECTED NOTICE OF ALLOWANCE			
28	04/01/2008	CORRECTED NOTICE OF ALLOWANCE			
27	11/27/2007	FINISHED INITIAL DATA CAPTURE			
26	11/12/2007	EXPORT TO INITIAL DATA CAPTURE			
25	11/08/2007	MAIL NOTICE OF ALLOWANCE	533		-1
24	11/06/2007	ISSUE REVISION COMPLETED			
23	11/06/2007	DOCUMENT VERIFICATION			
22	11/06/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
21	10/29/2007	NOTICE OF ALLOWABILITY			
20	04/03/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
19	10/03/2007	CASE DOCKETED TO EXAMINER IN GAU			
18	09/12/2007	CASE DOCKETED TO EXAMINER IN GAU			
17	02/12/2007	TRANSFER INQUIRY TO GAU			
16	08/06/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
14	07/19/2005	PRELIMINARY AMENDMENT			
13	04/03/2006	REFERENCE CAPTURE ON IDS			
12.7	04/03/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	04/03/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	09/29/2005	TRANSFER INQUIRY TO GAU			
10	08/01/2005	APPLICATION DISPATCHED FROM OIPE			
9	08/01/2005	APPLICATION IS NOW COMPLETE			
8	07/19/2005	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			

7	03/24/2005	CLAIM PRELIMINARY AMENDMENT			
6	07/19/2005	APPLICANT HAS SUBMITTED NEW DRAWINGS TO CORRECT CORRECTED PAPERS PROBLEMS			
4	04/25/2005	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
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2	04/06/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	03/24/2005	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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JUN 05 2009

OFFICE OF PETITIONS

In re Patent No. 7,447,548
Issued: November 4, 2008
Application No. 11/087,745
Filed: March 24, 2005
Dkt. No.: 072521-0109

: PATENT TERM ADJUSTMENT

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R §1.705", filed December 10, 2008. This matter is being properly treated as an application for patent term adjustment pursuant to 37 CFR 1.705(d).

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

The above-identified application matured into U.S. Pat. No. 7,447,548 on November 4, 2008. The patent issued with a PTA of 686 days. The request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See, 37 CFR 1.705(d). Patentees request that the patent term adjustment be increased from 686 days to 895 days.

Patentees request reconsideration of the patent term adjustment based on the decision in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentees contend that pursuant to Wyeth, a PTO delay under 35 U.S.C. 154(b)(1)(A) overlaps with a delay under 35 U.S.C. 154(b)(1)(B) only if the delays occur on the same day.

Patentees maintain that the period of adjustment due to the three year delay by the Office, pursuant to 37 CFR 1.702(b), of 225 days and the period of adjustment due to examination delay, pursuant to 37 CFR 1.702(a), of 678 days, as there is an eight day overlap, but the remainder of these periods do not overlap as these periods do not occur on the same day. The 225-day period is calculated based on the application having been filed under 35 U.S.C. 111(a) on March 24, 2005, and the patent having been issued on November 4, 2008. Patentees' calculation reflects that in addition to this 225-day period, they are entitled to a period of adjustment due to examination delay pursuant to 37 CFR 1.702(a) of 678 days, less an eight day overlap.

Under 37 CFR 1.703(f), patentees are entitled to a period of patent term adjustment equal to the period of delays based on the grounds set forth in 37 CFR 1.702 reduced by the period of time equal to the period of time during which patentees failed to engage in reasonable efforts to

conclude prosecution pursuant to 37 CFR 1.704. In other words, patentees are entitled to the period of Office delay reduced by the period of applicant delay.

Patentees do not dispute that the total period of Office delay is the sum of the period of three years delay and the period of examination delay, to the extent that these periods of delay are not overlapping. However, in effect, patentees contend that only a portion of the three year delay period overlaps with the period of examination delay. Accordingly, patentees' calculation reflects an adjustment 678 days plus an adjustment of 225 days less an overlap of eight days to arrive at an overall adjustment of 895 days.

The Office agrees that as of the issuance of the patent on November 4, 2008, the application was pending three years and 225 days after its filing date. The Office agrees that certain actions were not taken within a specified time frame, and, thus, the entry of a period of adjustment of 686 days is correct. At issue is whether patentees should accrue an additional 225 days of patent term adjustment for the Office taking in excess of three years to issue the patent as well as 686 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that 225 days overlap. Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> To the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

Likewise, 35 CFR 1.703(f) provides that:

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

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

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of

> the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule, 65 Fed. Reg. 56366 (Sept. 18, 2000). See, also, Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See, also, Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A), 69 Fed. Reg. 34283 (June 21, 2004).

The current wording of § 1.703(f) was revised in response to the misinterpretation of this provision by a number of Patentees. The rule was slightly revised to more closely track the corresponding language of 35 U.S.C. 154(b)(2)(A). The relevant portion differs only to the extent that the statute refers back to provisions of the statute whereas the rule refers back to sections of the rule. This was not a substantive change to the rule nor did it reflect a change of the Office's interpretation of 35 U.S.C. 154(b)(2)(A). As stated in the Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A), the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding § 1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed. The grounds specified in these sections cover the A) guarantee of prompt Patent and Trademark Office responses, B) guarantee of no more than 3-year application pendency, and C) guarantee or adjustments for delays due to interference, secrecy orders and appeals. A section by section analysis of 35 U.S.C. 154(b)(2)(A) specifically provides that:

> Section 4402 imposes limitations on restoration of term. In general, pursuant to [35 U.S.C.] 154(b)(2)(A)-(C), total adjustments granted for restorations under [35 U.S.C. 154](b)(1) are reduced as follows: (1) To the extent that there are multiple grounds for extending the term of a patent that may exist simultaneously (e.g., delay due to a secrecy order under [35 U.S.C.] 181 and administrative delay under [35 U.S.C.] 154(b)(1)(A)), the term should not be extended for each ground of delay but only for the actual number of days that the issuance of a patent was delayed; See, 145 Cong. Rec. S14,718[1].

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[1] The AIPA is title IV of the Intellectual Property and Communications Omnibus Reform Act of 1999 (S. 1948), which was incorporated and enacted as law as part of Pub. L. 106-113. The Conference Report for H.R. 3194, 106th Cong. 1st Sess. (1999), which resulted in Pub. L. 106-113, does not contain any discussion (other than the incorporated language) of S. 1948. A section-by-

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

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the entire period during which the application was pending before the Office, March 24, 2005, to the date the patent issued on November 4, 2008. Prior to the issuance of the patent, 686 days of patent term adjustment were accorded for the Office failing to respond within a specified time frame during the pendency of the application.

The application actually issued three years and 225 days after its filing date. However, the Office did not delay 686 days and then delay an additional 225 days. Accordingly, 686 days of patent term adjustment (not 686 days and 225 days) was properly entered because the period of delay of 225 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 686 days attributable to grounds specified in § 1.702(a). Entry of both periods is not warranted.

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

The Office acknowledges submission of the required application fee of $200.00. See, 37 CFR 1.18(e). The request for refund of the required application fee is hereby DISMISSED. Submission of the application fee is a prerequisite prior to treatment on the merits of any application for patent term adjustment.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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section analysis of S. 1948, however, was printed in the Congressional Record at the request of Senator Lott, See 145 Cong. Rec. S14,708-26 (1999)(daily ed. Nov. 17, 1999).

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Michelle S. Marks
SHAW PITTMAN LLP
1650 Tysons Boulevard
McLean VA 22102

In re Application of	:	
Windt et al.	:	
Application No. 11/087,754	:	DECISION ON PETITION
Filed: March 24, 2005	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. NEU0005-US	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed June 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 applications, set forth in the amendment submitted 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, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The reference to add the above-noted, prior-filed applications on page one following the first sentence of the specification is not acceptable as drafted since it is not in compliance with 37 CFR 1.121. Amendments to the specification, other than the claims, computer listings (§ 1.96) and sequence listings (§ 1.825), must be made by adding, deleting or replacing a paragraph, by replacing a section, or by a substitute specification, in the manner specified in 37 CFR 1.121.

The amendment should not have separate claims to priority to PCT/DE04/00113 and to 10/570,262, which is the National Stage of PCT/DE04/00113. Where a nonprovisional application is claiming the benefit under 35 U.S.C. 120 of a prior national stage application under 35 U.S.C. 371, a suitable reference would read "This application is a continuation of U.S. Application No. 08/---, which was the National Stage of International Application No. PCT/DE95/---, filed ---." See MPEP 201.11.

In addition, the amendment does not comply because it intersperses other information between the claims for priority. For example the language "PCT/DE2004/00113 relies for priority on German Patent Application No. 10341317." The first sentence, of the specification, as amended, must set forth only claim for priority after claim for priority, (where there are chains of continuity all intermediate applications included (no chains here). Thus, here each sentence in succession should begin (as it does in prior amendments), "This application is a continuation of ....,". The other language, "PCT/DE2004/00113 relies for priority on German Patent Application No. 10341317," may be set forth in a succeeding paragraph after the conclusion of all claims for priority.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet (signed in compliance with §1.33(b)) or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

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

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

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

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

Nancy Johnson for
Ira Lazarus
Supervisory Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Michelle S. Marks
SHAW PITTMAN LLP
1650 Tysons Boulevard
McLean VA 22102

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JUN 11 2007

OFFICE OF PETITIONS

In re Application of
Windt et al.
Application No. 11/087,754
Filed: March 24, 2005
Attorney Docket No. NEU0005-US

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(3)

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed March 30, 2007 to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to prior-filed applications, set forth in the amendment submitted 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 Director 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 applications. In order for the application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§ 120 and

365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

It should however be noted, that the Application Data Sheet (ADS) submitted with the instant petition is defective because the ADS failed to provide the relationship between each application. If no ADS was originally filed, but applicant wants to submit an ADS to correct, modify, or augment the original application data, the ADS, even though it is the first-filed ADS, must be titled "Supplemental Application Data Sheet." See MPEP 601.05.

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

Any inquiries concerning this decision may be directed to Charlema Grant at (571) 272-3215. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to the examiner of Technology Center Art Unit 1618 for appropriate action on the amendment filed March 30, 2007, including consideration of applicants' entitlement to claim benefit of priority under 35 U.S.C. §§ 120 and 365(c) to the prior-filed applications.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/087,754	03/24/2005	1618	7540	NEU0005-US	124	6

CONFIRMATION NO. 7965

CORRECTED FILING RECEIPT

OC000000024310783

Michelle S. Marks
SHAW PITTMAN LLP
1650 Tysons Boulevard
McLean, VA 22102

Date Mailed: 06/11/2007

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)

Fred Windt-Hanke, Berlin, GERMANY;
Clemens Gunther, Berlin, GERMANY;
Reinhard Horowski, Berlin, GERMANY;
Johannes Tack, Berlin, GERMANY;
Adalbert Engfer, Berlin, GERMANY;
Katalin Tisa Bostedt, Pullach, GERMANY;
Dirk Schenk, Dietramszell, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number **28970**.

Domestic Priority data as claimed by applicant

This application is a CIP of PCT/DE04/01133 05/30/2004
and is a CIP of 10/362,248 07/07/2003
which is a 371 of PCT/EP01/09824 08/24/2001
This application 11/087,754
is a CIP of 10/362,183 07/21/2003
which is a 371 of PCT/EP01/09823 08/24/2001
This application 11/087,754
is a CIP of 10/362,182 07/03/2003
which is a 371 of PCT/EP01/09826 08/24/2001

Foreign Applications

GERMANY 100 53 397.3 10/20/2000
GERMANY 10341317 09/03/2003
GERMANY 10043321.9 08/24/2000

If Required, Foreign Filing License Granted: 04/20/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/087,754

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Transdermal therapeutic system

Preliminary Class

424

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

NOT GRANTED

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

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

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SEP 0 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Nakamura et al.	:	
Application No. 11/087,762	:	DECISION ON
Filed: March 24, 2005	:	PETITION
Atty Docket No. 268561US2SRD	:	

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE NON-FINAL OFFICE ACTION filed March 7, 2008.

The above-identified application became abandoned for failure to file a reply to the non-final Office action dated August 2, 2007. This Office action set a three-month period for reply, with extensions of time obtainable under §1.136(a). No reply timely filed and no extension of time obtained, the application became abandoned on November 3, 2007. This petition was filed prior to applicant being notified of the abandonment by a courtesy Notice of Abandonment dated March 7, 2008.

Applicants assert that the e-notification containing the non-final Office action dated August 2, 2007 was never sent. Applicants state they checked their relevant records, their file wrapper and Private Pair. Applicants indicate that all support a conclusion that the e-notification was not sent. Further, applicants' representative confirms that the non-final Office action was not received via mail in paper format, nor were they made aware of it via any other manner. Applicants state they did not become aware of this Office action until they received a call from the examiner.

Office records confirm that there was an irregularity in the sending of the e-notification. Specifically, USPTO computer records confirm that the notification for the non-final Office action with a mail date of August 2, 2007 did not process correctly and was not sent to applicant. (It is noted that applicants were under the electronic delivery system at all times relevant to this decision and thus, a paper copy of the non-final Office action was never mailed.)

In view thereof, 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 2627 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 re-sending of the non-final Office action dated August 2, 2007 and for restarting of the period for reply.

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

Nancy Johnson

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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PHOENIX AZ 85016-7234

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SEP 19 2007

OFFICE OF PETITIONS

In re Application of :
Mehmet Terziakin :
Application No. 11/087,766 :
Filed: 24 March 2005 :
Attorney Docket No. PHDL1150-001 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 16, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure s to timely pay the issue and publication fees on or before April 25, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed January 25, 2006, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 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 payment of the Issue and Publication Fees; (2) the petition fee of $1500.00; and (3) a statement of unintentional delay. Accordingly, the Issue and Publication Fee payments are accepted as having been unintentionally delayed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the Issue Fee of $700.00 and the Publication fee of $300.00, (2) the petition fee of $750.00; and (3) a statement of unintentional delay. Accordingly, the Issue Fee and Publication payments are 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 Charles Smoot at (571) 272-3299, or in his absence the undersigned at (571) 272-7099.

The application file is being referred to the Publishing Division to be processed into a patent.

David Bucci
Petitions Examiner
Office of Petitions

Cc: MEHMET TERZIAKIN
INCIRCLI CAD. GULBAHEE SOK, 13/1 BAKIRKOY
ISTANBUL, 34740
TURKEY

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BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP
900 THIRD AVENUE
NEW YORK, NY 10022

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DEC 0 7 2005

OFFICE OF PETITIONS

In re Application of
Andrew Hausman, Karen D. Tannenbaum,
Paul Brian Beatty, Jr., Lawrence C. Waldorf,
Alan Dweck, Anish Malhotra, Guy Mock and
Richard Anthony Lawson Braham
Application No. 11/087,775
Filed: March 23, 2005
For: COMPUTER TRADING OF INTERESTS

DECISION GRANTING PETITION
UNDER 37 CFR 1.47(a)

This is in response to the "Petition Under 37 CFR 1.47(a)," filed November 25, 2005 (Certificate of Mailing Date: November 21, 2005).

The petition is **granted**.

Petitioner has shown that the non-signing inventors, Anish Malhotra and Richard Anthony Lawson Braham, have 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 inventors at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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United States Patent and Trademark Office
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RICHARD BRAHAM
CITY GATE HOUSE
39-45 FINSBURY SQUARE
LONDON EC2A 1PQ
UNITED KINGDOM

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DEC 07 2005

OFFICE OF PETITIONS

In re Application of
Andrew Hausman, Karen D. Tannenbaum,
Paul Brian Beatty, Jr., Lawrence C. Waldorf,
Alan Dweck, Anish Malhotra, Guy Mock and
Richard Anthony Lawson Braham
Application No. 11/087,775
Filed: March 23, 2005
For: COMPUTER TRADING OF INTERESTS

Dear RICHARD BRAHAM:

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

BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP
900 THIRD AVENUE
NEW YORK, NY 10022

UNITED STATES PATENT AND TRADEMARK OFFICE

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ANISH MALHOTRA
132 EAST 19th STREET
NEW YORK, NY 10003

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OFFICE OF PETITIONS

In re Application of
Andrew Hausman, Karen D. Tannenbaum,
Paul Brian Beatty, Jr., Lawrence C. Waldorf,
Alan Dweck, Anish Malhotra, Guy Mock and
Richard Anthony Lawson Braham
Application No. 11/087,775
Filed: March 23, 2005
For: COMPUTER TRADING OF INTERESTS

Dear ANISH MALHOTRA:

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

BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP
900 THIRD AVENUE
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TWO EMBARCADERO CENTER
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SAN FRANCISCO CA 94111-3834

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DEC 29 2008
OFFICE OF PETITIONS

In re Application of	:	
Hee Bok Kang	:	
Application No. 11/087,837	:	DECISION GRANTING PETITION
Filed: March 24, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 00939B-139200US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 23, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 23, 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 regarding this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 2111 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment and information disclosure statement.

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

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

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Paper No. None

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

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OFFICE OF PETITIONS

In re Application of :
Victor B. Kley :
Application No. 11/087,874 :
Filed: March 22, 2005 :
Attorney Docket Number: 020921-001443US :
Title: ACTIVE CANTILEVER FOR NANOMACHINING AND METROLOGY :

DECISION ON PETITION UNDER 37 C.F.R. §1.137(B)

This is a decision on the petition filed on July 24, 2006, pursuant to 37 C.F.R. §1.137(b)[1], to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed November 10, 2005, 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 February 11, 2006. A notice of abandonment was mailed on July 20, 2006.

---

1 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 § 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 § 1.20(d)) required pursuant to paragraph (d) of this section.

With the present petition, Petitioner has submitted the petition fee, an amendment, and the proper statement of unintentional delay. A terminal disclaimer is not required.

As such, the petition is **GRANTED**.

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.

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

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

---

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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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General Motors Corporation
Legal Staff - Mail Code 482-C23-B21
300 Renaissance Center
PO Box 300
Detroit, MI 48265-3000

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FEB 2 8 2006

OFFICE OF PETITIONS

In re Application of Forte	:	
Application No. 11/087,911	:	Decision on Petition
Filing Date: March 23, 2005	:	
Attorney Docket No. GP-300535	:	
For: Fuel Reformer System With	:	
Improved Water Transfer	:	

The instant paper is a decision in response to the petition under 37 CFR 1.47(b) filed on March 23, 2005. This paper is also a decision on the petitions under 37 CFR 1.59 and 37 CFR 1.182 filed on September 13, 2005.

The petition under 37 CFR 1.47(b) is **granted**.

The petition under 37 CFR 1.59 is **granted**.

The petition under 37 CFR 1.182 is **granted** to the extent indicated in the instant paper.

The petition under 37 CFR 1.47(b)

Petitioner has requested the application be accorded status under 37 CFR 1.47(b).

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

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

The Rule 47 petition fee of $200 has been charged to deposit account no. 07-0960.

The petition under 37 CFR 1.59

Rule 59 covers the situation when one wishes to expunge one or more papers in an application file.

Petitioner requests the removal of two identical sheets from the application file. The sheets are entitled, "Base Salary Change Notice - Compensation Statement."

Relief under 37 CFR 1.59(b) may be granted if certain criteria are met.

(1) The information to be expunged must not be part of the original disclosure. The original disclosure consists of elements such as the written specification, claims, and drawings. In certain circumstances, a preliminary amendment will be considered part of the original disclosure.
(2) The information to be expunged must not be material information under 37 CFR 1.56.[1]
(3) The Office must have sufficient time to expunge the material prior to issuance of the application as a patent.
(4) The petition must state the information 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.
(5) The information must not have already been made public.
(6) Petitioner must commit to retaining the information for the period of any patent with regard to which such is submitted.
(7) Petitioner must pay the petition fee.

In addition to the requirements above, if the information to be expunged was not submitted under the provisions discussed in MPEP § 724, the Office may impose additional requirements. As stated in MPEP 724.05(II), " A request to expunge information that has not been clearly identified as information that may be later subject to such a request by marking and placement in a separate sealed envelope or container shall be treated on a case-by-case basis."

Petitioner has established to the satisfaction of the Office that removal of the two sheets is appropriate. The two sheets have been expunged from the application file.

<u>The petition under Rule 182:</u>

Rule 59 applies when an applicant requests a portion of the application file be expunged. In addition to requesting a part of the application be expunged, petitioner also requests a portion of the assignment record be expunged. To the extent the petition requests information in the assignment record be expunged, the petition is properly treated as a petition under 37 CFR 1.182.

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[1] If the application file and contents are available to the public pursuant to 37 CFR 1.11 or 1.14, any materials submitted under MPEP § 724.02 will only be released to the public with any other application papers if no petition to expunge (37 CFR 1.59) was filed prior to the mailing of a notice of allowability or notice of abandonment, or if a petition to expunge was filed and the petition was denied. Prior to the mailing of the notice of allowability or notice of abandonment, the examiner will review the patent application file and determine if a petition to expunge is in the application file but not acted upon. If the application is being allowed, if the materials submitted under MPEP § 724.02 are found not to be important to a reasonable examiner in deciding whether to allow the application to issue as a patent, the petition to expunge will be granted and the materials will be expunged. If the materials are found to be important to a reasonable examiner in deciding whether to allow the application to issue as a patent, the petition to expunge will be denied and the materials will become part of the application record and will be available to the public upon issuance of the application as a patent. See MPEP 724.04.

MPEP 323 discusses the correction of errors in an assignment document. MPEP 323.01(d) discussed the criteria to have an unintentionally filed paper expunged from assignment records.

MPEP 323.01(d) states,

> Petitions to correct, modify or "expunge" assignment records are rarely granted. Such petitions are granted only if the petitioner can prove that:
>
> (A) the normal corrective procedures outlined in MPEP § 323.01(a) through § 323.01(c) will not provide the petitioner with adequate relief; and
> (B) the integrity of the assignment records will not be affected by granting the petition.
>
> Even if a petition to "expunge" a document is granted with respect to a particular application or patent, the image of the recorded document will remain in the records of the Assignment Services Division at the same reel and frame number, and the image will appear when someone views that reel and frame number. The Office will, however, delete the links to 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 Assignment Historical Database.

The paper to be expunged contains the social security number of an individual and the Office recognizes the need to prevent identify theft. Therefore, although petitions to expunge assignment records are rarely granted, the instant petition is granted.

As stated above, the image of the recorded document will not be deleted. However, the Office will remove links to the instant application so that no so that no information about the recorded document will appear when someone searches for the application number in the Assignment Database.

In view of the deletion of links to the recorded assignment, petitioner should submit a new assignment recordation fee, a new cover sheet, and new copies of the assignment papers, without the sheet entitled, "Base Salary Change Notice - Compensation Statement," to Assignment Branch so that petitioner will have an official assignment recorded for the application.

The Rule 182 petition fee of $400 has been charged to deposit account no. 08-0750.

<u>The Address of Record</u>

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

Steps to be taken by the Office to expunge the information:

The two sheets in the application file have been expunged.

Assignment Branch will be notified of the instant decision so that it may delete any links between the assignment and the instant application so that no information about the recorded document will appear when someone searches for the application in the Assignment Database.

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

cc: Harness, Dickey & Pierce, PLC
PO Box 828
Bloomfield Hills, MI 48303

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United States Patent and Trademark Office
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NOV 0 9 2005

TECHNOLOGY CENTER 3600

LAW OFFICE OF JAY R. YABLON
910 NORTHUMBERLAND DRIVE
SCHENECTADY, NY 12309-2814

In re application of	:	**DECISION ON PETITION**
Laura Bartner et al.	:	**TO MAKE SPECIAL**
Application No. 11/087,921	:	**(ACCELERATED**
Filed: March 23, 2005	:	**EXAMINATION)**
For: NURSING AID	:	

This is in response to the petition filed on March 23, 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(h); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

The petition fails to adequately meet requirements (B) above. In this regard, item (B) is not met because the petition fails to include an election without traverse, or a statement that applicants are willing to elect without traverse should a restriction or election be required.

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

Petitioner is given one more opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

Applicant should promptly submit a renewed petition to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

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

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

KJD/slb: 10/26/05

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P.O. BOX 581415
MINNEAPOLIS MN 55458

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JUN 14 2006

OFFICE OF PETITIONS

Applicant: Hegland et al
Appl. No.: 11/087,927
Filing Date: March 23, 2005
Title: CATHETER CONNECTION SYSTEMS AND METHODS
Attorney Docket No.: 134.02370101
Pub. No.: US 2005/0251102 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 January 3, 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 on the front page of the publication, as there are several errors in the benefit claim and typographical errors in claims 1, 2 and 22.

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 in the benefit claim on the front page of the publication is an Office mistake, but it is not a material mistake as required by 37 CFR 1.221(b). The error in the benefit claim on the front page of the publication is not a material mistake as the benefit claim is in the first line of the specification, as required by 37 CFR 1.78. The error in the benefit claim on the front page of the publication is not a material mistake because it 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. Since, the first line of the specification

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

contains the proper benefit claim, one can read and understand the content of the application and properly use the patent application publication as a prior art reference. With respect to the typographical errors in claims 1, 2 and 22, the claims were correctly published.

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

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

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

By facsimile: 571-273-8300

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

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

Enclosure: Corrected Filing Receipt

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/087,927	03/23/2005	3763	1330	134.02370101 (P-10250.02)	12	24	3

CONFIRMATION NO. 6069

CORRECTED FILING RECEIPT

OC000000019238754

26813
MUETING, RAASCH & GEBHARDT, P.A.
P.O. BOX 581415
MINNEAPOLIS, MN 55458

Date Mailed: 06/13/2006

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)

Michael Hegland, Mounds View, MN;
James M. Olsen, Plymouth, MN;
James G. Skakoon, St. Paul, MN;

Power of Attorney:

Thomas Berry--31736
Stephen Bauer--32192
Kevin Raasch--35651
Thomas Woods--36726
Loren Albin--37763
John Albrecht--40481
Matthew Adams--43459
Keith Campbell--46597
Anna Nelson--48935

Domestic Priority data as claimed by applicant

This application is a CIP of 10/950,727 09/27/2004
and is a CIP of PCT/US04/31518 09/27/2004
and said 10/950,727 09/27/2004
claims benefit of 60/506,594 09/26/2003
and said PCT/US04/31518 09/27/2004
claims benefit of 60/506,594 09/26/2003

Foreign Applications

If Required, Foreign Filing License Granted: 04/19/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/087,927

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Catheter connection systems and methods

Preliminary Class

604

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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

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Woodcock Washburn, LLP
Cira Centre, 12th Floor
2929 Arch Street
Philadelphia, PA 19104-2891

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JUN 08 2009

OFFICE OF PETITIONS

In re Application of	:	
Harry Tang et al.	:	
Application No. 11/087,930	:	DECISION ON PETITION
Filed: March 23, 2005	:	TO WITHDRAW
Attorney Docket No. BELL-0352/00207C1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 9, 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 Jonathan M. Waldman and all attorneys/agents of record has been revoked by the assignee of the patent application on December 16, 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: AT&T Legal Department - WK
Attn: Patent Docketing
Room 2A-207
One AT&T Way
Bedminster NJ 07921

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 05/24/2010

Applicant	: Imad Libbus	: DECISION ON REQUEST FOR
Patent Number	: 7660628	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/087,935	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **904** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 05/25/2010

Applicant	: Robert Dirks	: DECISION ON REQUEST FOR
Patent Number	: 7632641	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/087,937	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/22/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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THOMSON LICENSING L.L.C.
2 INDEPENDENCE WAY
PATENT OPERATIONS
P.O. BOX 5312
PRINCETON, NJ 08543

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OFFICE OF PETITIONS

In re Application of	:	
Burkart et al.	:	
Application No. 11/087,940	:	DECISION ON PETITION
Filed: March 23, 2005	:	
Attorney Docket No. PD040033	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 18, 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 February 19, 2008, as required by the Notice of Allowance and Fee(s) Due mailed November 19, 2007. Accordingly, the date of abandonment of this application is February 20, 2008. A Notice of Abandonment was mailed March 6, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,440.00 and the publication fee of $300.00, (2) the petition fee of $1,540.00; and (3) a proper statement of unintentional delay.

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

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ALEXANDRIA, VA 22313-1450
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Paper No.

BASF CORPORATION
Patent Department
1609 BIDDLE AVENUE
MAIN BUILDING
WYANDOTTE MI 48192

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SEP 23 2009

OFFICE OF PETITIONS

In re Patent No. 7,479,514	:	
Anthony Tye	:	DECISION DISMISSING
Application No. 11/087,957	:	REQUEST FOR
Issue Date: January 20, 2009	:	RECONSIDERATION OF
Filed: March 23, 2005	:	PATENT TERM ADJUSTMENT
Attorney Docket No.	:	UNDER 37 CFR 1.705
IN-5642	:	

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN ISSUE NOTIFICATION UNDER 37 CFR 1.181(a)(3), filed on January 7, 2009, which is treated as an application for patent term adjustment under 37 CFR 1.705. Patentee requests that the determination of patent term adjustment be corrected from three hundred eighty-four (384) days to six hundred eighty-seven (687) days.

The request for reconsideration of patent term adjustment is **DISMISSED** with respect to making any change in the patent term adjustment determination under 35 U.S.C. § 154(b) of 384 days.

BACKGROUND

On September 15, 2008, the Office mailed a notice that the initial determination of patent term adjustment under 35 U.S.C. 154(b) to date is 384 days. On January 20, 2009, the application matured into U.S. Patent No. 7,479,514, with a revised patent term adjustment of 384 days. The Office

determined that the 100 days of Office delay pursuant to 35 U.S.C. 154(b)(1)(B) and 37 CFR 1.702(b) overlaps with the 384 days of Office delay pursuant to 35 U.S.C. 154(b)(1)(A) and 37 CFR 1.702(a)(1) accorded prior to the filing of the request for continued examination. As such, the Office allowed only entry of the adjustment of 384 days. No additional days of patent term adjustment were entered at issuance under the three-year pendency provision. Given the applicant delay of 0 days, the patent issued with a revised patent term adjustment of 384 days.

On January 7, 2009, patentee timely submitted this request for reconsideration of patent term adjustment (with required fee),[1] asserting that the correct number of days of Patent Term Adjustment is 687 days under the courts interpretation of the overlap provision as set forth in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentee asserts that pursuant to Wyeth, a PTO delay under §154(b)(1)(A) overlaps with a delay under §154(b)(1)(B) only if the delays "occur on the same day." Patentee maintains that the total non-overlapping PTO delay under §154(b)(1)(A) & (B) is 687 (384 + 303) days as these periods do not occur on the same day.

OPINION

Preliminarily, it is noted that patentee asserts that the period of Office delay under 35 U.S.C. 154(b)(1)(B) and 37 CFR 1.702(b) is the period from the date three years from the filing of the application until the date the application issued as a patent. Patentee is reminded, however, that the period of adjustment under 35 U.S.C. 154(b)(1)(B) and 37 CFR 1.702(b) does not include any time consumed by continued under 35 U.S.C. 132(b). See 35 U.S.C. 154(b)(1)(B)(i) and 37 CFR 1.702(b)(1). As a request for continued examination was filed on July 1, 2008, the period for accruing patent term adjustment under 37 CFR 1.702(b) ended as of the date of the filing of the request for continued examination, or July 1, 2008. The period of delay under 37 CFR 1.702(b) is the period from March 24, 2008, the day after the date three years from the filing date of the application, to the filing of the request for continued examination on July 1, 2008, or 100 days, rather than 303 days.

[1] The original application for patent term adjustment inadvertently omitted the fee. The fee was received, however, on July 27, 2009.

Furthermore, patentee's interpretation of the period of overlap has been considered, but found inconsistent with the Office's interpretation of the overlap provision, 35 U.S.C. 154(b)(2)(A). 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> to the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of 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) 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).

Further, as stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application (or, in an international application, the date that the national stage commenced under 35 U.S.C. 371(b) or (f), is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding §1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the period during which the application was pending before the Office beginning on the application filing date, March 23, 2005, and ending on the date of filing of a request for continued examination (RCE), July 1, 2008 (not including any other periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)). The relevant period ends with the filing of the RCE as the three-year time frame specified in 35 U.S.C. 154(b)(1)(B) does not include the period subsequent to the filing of the RCE. 35 U.S.C. 154(b)(1)(B)(i).

Pursuant to 35 U.S.C. 154(b)(1)(A) and 37 CFR 1.702(a)(1), 384 days of patent term adjustment were accorded during the pendency of the application for Office delay prior to the filing of the request for continued examination. There were no Office delays subsequent to the filing of the request for continued examination. Pursuant to 35 U.S.C. 154(b)(1)(B) and 37 CFR 1.702(b), 100 days of patent term adjustment accrued for Office issuance of the patent more than 3 years after the filing date of the application.

The 100 days of patent term adjustment under 37 CFR 1.702(b) overlap with the 384 days of patent term adjustment under 37 CFR 1.702(a)(1). Entry of both the 100 days and the 384 days is neither permitted nor warranted. 384 days is the actual number of days issuance of the patent was delayed.

Accordingly, at issuance, the Office properly entered no additional days pursuant to 37 CFR 1.702(b).

CONCLUSION

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

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

Telephone inquiries specific to this matter should be directed to Senior Petitions Attorney Douglas I. Wood, at (571) 272-3231.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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SUITE 2700
CHICAGO, IL 60601

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JUL 09 2007

OFFICE OF PETITIONS

In re Application of

Coonce, et al.

Application No. 11/087,968

Filed: March 23, 2005

Attorney Docket No. P01200US00-22281.0002

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed June 20, 2007.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on January 4, 2007, after it was believed that no response was received to the non-final Office action mailed October 3, 2006. The notice allowed a period for reply of three (3) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on April 20, 2007, indicating that a reply to the non-final Office action was not received.

Petitioner states that an amendment responsive to the non-final Office action was filed on April 5, 2007, with a request for an extension of time within the third month. A review of the application file reveals that an amendment was filed on April 5, 2007 (certificate of mailing dated April 3, 2007), with a request for an extension of time within the third month. Based on the aforementioned, it appears that the application was improperly held abandoned as a response was received prior to expiration of the period for reply. The holding of abandonment is withdrawn, accordingly.

Further inquires regarding this decision may be directed to the undersigned at (571) 272-3222.

The application file is being forwarded Technology Center 2600, GAU 2612, for further processing including entry of the amendment filed April 5, 2007.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosures:
"Notice Regarding Change of Power of Attorney"

"Notice of Acceptance of Power of Attorney"

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/087,968	03/23/2005	Charles Kevin Coonce	P01200US00-22281.0002

CONFIRMATION NO. 1099

OC000000024716510

22446
ICE MILLER LLP
ONE AMERICAN SQUARE, SUITE 3100
INDIANAPOLIS, IN 46282-0200

Date Mailed: 07/09/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/20/2007.

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

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

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/087,968	03/23/2005	Charles Kevin Coonce	P01200US00-22281.0002

CONFIRMATION NO. 1099

OC000000024716511

66228
SCHWARTZ COOPER CHARTERED
IP DEPARTMENT
180 NORTH LASALLE STREET
SUITE 2700
CHICAGO, IL 60601

Date Mailed: 07/09/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/20/2007.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

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

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/087,968	03/23/2005	Charles Kevin Coonce	P01200US00-22281.0002

CONFIRMATION NO. 1099

OC000000024716510

22446
ICE MILLER LLP
ONE AMERICAN SQUARE, SUITE 3100
INDIANAPOLIS, IN 46282-0200

Date Mailed: 07/09/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/20/2007.

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

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
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2383 GLENVIEW DRIVE
SIERRA VISTA, AZ 85650

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OFFICE OF PETITIONS

In re Application of	:	
Gordon R. Hakola	:	
Application No. 11/087,998	:	DECISION ON PETITION
Filed: March 24, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. B-101	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 29, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **DISMISSED**.

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

The instant petition does not include a valid statement. A statement or declaration must be signed by the applicant of record.

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

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

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

By FAX: (571) 273-8300

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

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

The application is being forwarded to the Technology Center Art Unit 1724 for action in its regular turn.

Frances Hicks
Petitions Examiner
Office of Petitions

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Herbert E. Haynes Jr.
2383 Glenview Drive
Sierra Vista, AZ 85650

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OFFICE OF PETITIONS

In re Application of	:	
Gordon R. Hakola	:	
Application No. 11/087,998	:	DECISION ON PETITION
Filed: March 24, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. B-101	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 19, 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 photocopy of applicant's birth certificate. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 1724 for action on the merits commensurate with this decision.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

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RUTAN & TUCKER, LLP.
611 ANTON BLVD
SUITE 1400
COSTA MESA CA 92626

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In re Application of

RIM, Peter B. et al.
Application No. 11/088,020
Filed: March 22, 2005
Attorney Docket No. **101315.0012US2**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 09, 2008.

The request is **APPROVED.**

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

The request was signed by Todd W. Wight on behalf of all attorneys of record who are associated with customer No. 34284. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed July 16, 2008 that requires a reply from the applicant.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **PETER B. RIM**
3213 REGATTA PT. CT.
MIDLOTHIAN, VA 23112

cc: **ROBERT FISH**
FISH & ASSOCIATES, PC
2603 MAIN STREET
SUITE 1050
IRVINE, CA 92614

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

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In re Application of	:	
WOHLER et al.	:	
Application No. 11/088,041	:	DECISION ON PETITION
Filed: 03/23/2005	:	
Attorney Docket No. 4965-213/CO	:	

This is a decision on the petition under 37 CFR.1.181, filed August 28, 2008, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to respond in a timely manner to the nonfinal Office action, mailed on January 8, 2008, which set a three-month shortened statutory period for reply. Extensions of this period were available under 37 CFR 1.136(a). On August 6, 2008, the Office mailed a Notice of Abandonment.

Petitioner stated that he timely filed a reply in the form of an amendment and a request for an extension of time for response within the third month (and fee) on July 7, 2008. Petitioner submitted a copy of the Electronic Acknowledgement Receipt, acknowledging that on July 7, 2008, the USPTO had received the reply, a request for an extension of time for response within the third month, and an authorization to charge the necessary fees to the deposit account. Furthermore, the aforementioned documents, filed July 7, 2008, were located among the papers in the Image File Wrapper for the above-identified application.

In view of the above, the reply is considered timely filed on July 7, 2008, with the request for an extension of time for response within the third month (and fee). See 37 CFR 1.8(a) and 1.136(a).

Accordingly, the petition under 37 CFR 1.181 is granted. The holding of abandonment is hereby withdrawn. The application is restored to pending status in view of the fact that applicant filed a timely response to the nonfinal Office action.

This matter is being referred to Technology Center Art Unit 2624 for a review of the reply filed on July 7, 2008.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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399 PARK AVENUE
NEW YORK NY 10022

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OFFICE OF PETITIONS

In re Patent No. 7,544,678
Issued: June 9, 2009
Application No. 11/088,058
Filed: March 23, 2005
Attorney Docket No. 19240.605-US 1

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

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT AND REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §§ 1.702-1.705 filed April 10, 2009, on the basis that the Office will take in excess of three years to issue the patent and in light of the recent court decision in Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008). This is also a decision on the "SECOND APPLICATION FOR PATENT TERM ADJUSTMENT AND REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §§ 1.702-1.705" filed August 5, 2009, requesting that the patent term adjustment determination for the above-identified patent be changed from four hundred ninety-nine (499) days to nine hundred forty-two (942) days.

Prior to a decision being rendered on the premature application for patent term adjustment filed April 10, 2009[1], the application issued as a patent.

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[1] Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.703(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.703(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 1.702(a)(4) or applicant delay under 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued. Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. As such, it is appropriate to dismiss as premature such a request.

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

On June 9, 2009, the above-identified application matured into US Patent No. 7,544,678 with a patent term adjustment of 499 days. This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See 37 CFR 1.705(d).

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

Patentees request recalculation of the patent term adjustment based on the decision in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentees assert that in view of the decision in Wyeth, they are entitled to an additional 443 days of patent term adjustment for the Office taking in excess of three years to issue the patent.

The 443-day period is calculated based on the application having been filed under 35 U.S.C. 111(a) on March 23, 2005, and the patent having been issued on June 9, 2009, three years and 443 days later. Patentees assert that in addition to this 443 day period, they are entitled to a period of adjustment due to examination delay pursuant to 37 CFR 1.702(a), of 596 days for the failure by the Office to mail at least one of a notification under 35 U.S.C. 132 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a), pursuant to 37 CFR 1.702(a)(1).

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, it is the period of Office delay reduced by the period of applicant delay. Patentees do not dispute the period of reduction of 97 days for applicant delay.

Patentees do not dispute that the total period of Office delay is the sum of the period of Three Years Delay (443 days) and the period of Examination Delay (596 days) to the extent that these periods of delay are not overlapping. However, in effect, patentees contend that no portion of the Three Year Delay period overlaps with the period of 14-month examination delay. Accordingly, patentees submit that the total period of adjustment for Office delay is 1039 days, which includes the period of Three Year Delay (443 days) and the period of Examination Delay (596 days), reduced by the period of overlap (0 days). As such, patentees assert entitlement to a patent term adjustment of 942 days (443 + 596 reduced by 0 overlap – 97 (applicant delay)).

The Office agrees that as of the issuance of the patent on June 9, 2009, the application was pending three years and 443 days after its filing date. The Office agrees that the

action detailed above was not taken within the specified time frame, and thus, the entry of a period of adjustment of 596 days is correct. At issue is whether patentees should accrue 443 days of patent term adjustment for the Office taking in excess of three years to issue the patent, as well as 596 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that 443 days overlap. Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> to the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

Likewise, 35 CFR 1.703(f) provides that:

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

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

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 56366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April

> 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A),* 69 Fed. Reg. 34283 (June 21, 2004).

The current wording of § 1.703(f) was revised in response to the misinterpretation of this provision by a number of Patentees. The rule was slightly revised to more closely track the corresponding language of 35 U.S.C. 154(b)(2)(A). The relevant portion differs only to the extent that the statute refers back to provisions of the statute whereas the rule refers back to sections of the rule. This was not a substantive change to the rule nor did it reflect a change of the Office's interpretation of 35 U.S.C. 154(b)(2)(A). As stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding § 1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed. The grounds specified in these sections cover the A) guarantee of prompt Patent and Trademark Office responses, B) guarantee of no more than 3-year application pendency, and C) guarantee or adjustments for delays due to interference, secrecy orders and appeals. A section by section analysis of 35 U.S.C. 154(b)(2)(A) specifically provides that:

> Section 4402 imposes limitations on restoration of term. In general, pursuant to [35 U.S.C.] 154(b)(2)(A)-(C), total adjustments granted for restorations under [35 U.S.C. 154](b)(1) are reduced as follows: (1) To the extent that there are multiple grounds for extending the term of a patent that may exist simultaneously (e.g., delay due to a secrecy order under [35 U.S.C.] 181 and administrative delay under [35 U.S.C.] 154(b)(1)(A)), the term should not be extended for each ground of delay but only for the actual number of days that the issuance of a patent was delayed; See 145 Cong. Rec. S14,718[2]

[2] The AIPA is title IV of the Intellectual Property and Communications Omnibus Reform Act of 1999 (S. 1948), which was incorporated and enacted as law as part of Pub. L. 106-113. The Conference Report for H.R. 3194, 106th Cong. 1st Sess. (1999), which resulted in Pub. L. 106-113, does not contain any discussion (other than the incorporated language) of S. 1948. A section-by-section analysis of S. 1948, however, was printed in the Congressional Record at the request of Senator Lott, See 145 Cong. Rec. S14,708-26 (1999)(daily ed. Nov. 17, 1999).

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

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the entire period during which the application was pending before the Office, March 23, 2005, to the date the patent issued on June 9, 2009. (There were no periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)). Prior to the issuance of the patent, 596 days of patent term adjustment were accorded for the Office failing to respond within a specified time frame during the pendency of the application. All of the 443 days for Office delay in issuing the patent overlap with the 596 days of Office delay. During that time, the issuance of the patent was delayed by 596 days, not 596 + 443 days. The Office took 14 months and 596 days to issue a first office action. Otherwise, the Office took all actions set forth in 37 CFR 1.702(a) within the prescribed time frames. Nonetheless, given the 443 days of Office delay and the time allowed within the time frames for processing and examination, as of the date the patent issued, the application was pending three years and 443 days. The Office did not delay 596 days and then an additional 443 days. The period of delay of 443 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 596 days attributable to grounds specified in § 1.702(a)(1). Entry of both periods is not warranted. Thus, 596 days is determined to be the actual number of days that the issuance of the patent was delayed, considering the 443 days over three years to the issuance of the patent.

Accordingly, at issuance, the Office properly entered no additional days of patent term adjustment.

In view thereof, the Office affirms that the revised determination of Patent Term Adjustment at the time of the issuance of the Patent is 499 days.

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

Nancy Johnson for

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

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Winston & Strawn
700 K Street, N.W.
Washington, DC 20006

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In re Patent No. 7,544,678	:
Marks et al.	: DECISION UPON REMAND AND
Issue Date: June 9, 2009	: RECONSIDERATION OF
Application No. 11/088,058	: PATENT TERM ADJUSTMENT
Filed: March 23, 2005	: AND NOTICE OF INTENT
Attorney Docket No. 86005-60500	: TO ISSUE CERTIFICATE OF
Title: Novel Anti-Arrhythmic	: CORRECTION
and Heart Failure Drugs that	:
Target the Leak in the	
Ryanodine Receptor	

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 nine hundred forty-two (942) 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 nine hundred forty-two (942) 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
Office of Patent Legal Administration
Office of Associate Commissioner
For Patent Examination Policy

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,544,678 B2

DATED : **June 9, 2009** **DRAFT**

INVENTOR(S) : Marks 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 499 days

Delete the phrase "by 499 days" and insert – by 942 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,544,678 B2

DATED : **June 9, 2009** **DRAFT**

INVENTOR(S) : Marks 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 499 days

Delete the phrase "by 499 days" and insert – by 942 days--

Day : Wednesday

PALM INTRANET

Date: 3/10/2010
Time: 11:44:35

PTA Calculations for Application: 11/088058			
Application Filing Date:	03/23/2005	PTO Delay (PTO):	596
Issue Date of Patent:	06/09/2009	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	97
Post-Issue Petitions:	0	Total PTA (days):	942
PTO Delay Adjustment:	443		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
95	03/10/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	443		
83.5	05/20/2009	PTA 36 MONTHS			
83	06/09/2009	PATENT ISSUE DATE USED IN PTA CALCULATION			
82	05/12/2009	EXPORT TO FINAL DATA CAPTURE			
81	05/08/2009	FINISHED INITIAL DATA CAPTURE			
80	05/11/2009	DISPATCH TO FDC			
79	04/10/2009	PETITION ENTERED			
78	04/13/2009	APPLICATION IS CONSIDERED READY FOR ISSUE			
77	04/10/2009	ISSUE FEE PAYMENT VERIFIED			
76	04/10/2009	STATEMENT FILED INDICATING A LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS			
75	04/10/2009	ISSUE FEE PAYMENT RECEIVED			
71	01/12/2009	MAIL NOTICE OF ALLOWANCE			
70	11/25/2008	REFERENCE CAPTURE ON IDS			
69	11/25/2008	ELECTRONIC INFORMATION DISCLOSURE STATEMENT		49	53
68	01/06/2009	ISSUE REVISION COMPLETED			
67	01/06/2009	DOCUMENT VERIFICATION			
66	01/05/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
65	01/05/2009	CASE DOCKETED TO EXAMINER IN GAU			
64	01/05/2009	EXAMINER'S AMENDMENT COMMUNICATION			
63	01/05/2009	NOTICE OF ALLOWABILITY			
59	10/09/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
		INFORMATION DISCLOSURE STATEMENT			

58	11/25/2008	CONSIDERED			
57	11/25/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
56	10/09/2008	REFERENCE CAPTURE ON IDS			
55	10/09/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
54	11/03/2008	DATE FORWARDED TO EXAMINER			
53	10/07/2008	RESPONSE AFTER NON-FINAL ACTION			
52	10/09/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
51	07/29/2008	MAIL NON-FINAL REJECTION			
50	07/21/2008	NON-FINAL REJECTION			
49	03/30/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
48	05/27/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
47	12/19/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
46	10/12/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
45	05/27/2008	REFERENCE CAPTURE ON IDS			
44	05/27/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		48	41
43	05/27/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
42	05/06/2008	DATE FORWARDED TO EXAMINER			
41	04/09/2008	RESPONSE TO ELECTION / RESTRICTION FILED			
40	04/09/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
39	12/19/2007	REFERENCE CAPTURE ON IDS			
38	12/19/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
37	01/09/2008	MAIL RESTRICTION REQUIREMENT	596		-1
36	01/07/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
31	12/19/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
30	10/12/2007	REFERENCE CAPTURE ON IDS			
29	10/12/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
28	10/12/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			

27	03/30/2007	REFERENCE CAPTURE ON IDS			
26.7	03/30/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
26	03/30/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
25	12/05/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
24	10/20/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
23	03/07/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
22	03/07/2007	REFERENCE CAPTURE ON IDS			
21.7	03/07/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21	03/07/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	10/20/2006	REFERENCE CAPTURE ON IDS			
19.7	10/20/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
19	10/20/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	05/16/2006	CASE DOCKETED TO EXAMINER IN GAU			
17	05/15/2006	CASE DOCKETED TO EXAMINER IN GAU			
16	03/04/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
15	12/05/2005	REFERENCE CAPTURE ON IDS			
14.7	12/05/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	12/05/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	03/04/2006	CASE DOCKETED TO EXAMINER IN GAU			
12	05/16/2005	APPLICATION RETURN FROM OIPE			
11	05/17/2005	APPLICATION IS NOW COMPLETE			
10	05/16/2005	APPLICATION RETURN TO OIPE			
9	05/16/2005	APPLICATION RETURN FROM OIPE			
8	05/16/2005	APPLICATION IS NOW COMPLETE			
7	05/16/2005	APPLICATION RETURN TO OIPE			
6	05/13/2005	APPLICATION DISPATCHED FROM OIPE			
5	05/13/2005	APPLICATION IS NOW COMPLETE			
4	05/11/2005	CLEARED BY L&R (LARS)			

3	04/09/2005	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
2	04/05/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	03/23/2005	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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DALLAS, TX 75201

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In re Patent No. 7,212,541	:	
Issue Date: May 1, 2007	:	
Application No. 11/088,070	:	ON PETITION
Filed: March 23, 2005	:	
Patentee(s): George H. Buabbud, et. al.	:	

This is a decision on the petition under 37 CFR 1.183 filed October 9, 2008, which is being treated as a request under 37 CFR 3.81[1], to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

Finance records show that petitioner submitted $400 for treatment of the instant request. However, a request under 37 CFR 3.81 requires a processing fee of $130. Therefore, the overpayment of $270 will be credited to petitioner's deposit account.

The request is **GRANTED**.

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.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. Inquiries regarding the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

Andrea Smith
Petitions Examiner
Office of Petitions

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

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CHADBOURNE & PARKE, LLP
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

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OCT 21 2008

OFFICE OF PETITIONS

In re Application of :
Jay S. Walker, et. al. :
Application No. 11/088,084 : DECISION ON PETITION
Filed: March 23, 2005 :
Attorney Docket No. 17200.044CT2 :

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 application became abandoned for failure to timely respond to the Notice of Panel Decision from Pre-Appeal Brief Review mailed on March 13, 2007. A Notice of Abandonment was mailed on October 2, 2007.

The petition is **dismissed**.

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

The Office acknowledges receipt of a Request for Continued Examination (RCE) under 37 CFR 1.114 filed on October 31, 2007. However, as prosecution in the above application is not closed, the RCE is considered improper and the $810 fee will be credited to petitioner's credit card. Therefore, petitioner must file an appeal brief or some other reply to continue the prosecution of the above application.

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) is 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

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NEW YORK, NY 10112

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MAY 20 2009

OFFICE OF PETITIONS

In re Application of
Jay S. Walker, et. al.
Application No. 11/088,084
Filed: March 23, 2005
Attorney Docket No. 17200.044CT2

CORRECTED DECISION

This is a corrected decision on the petition under 37 CFR 1.137(b) filed on October 31, 2007, to revive the above-identified application.

The application became abandoned for failure to timely respond to the Notice of Panel Decision from Pre-Appeal Brief Review mailed on March 13, 2007. A Notice of Abandonment was mailed on October 2, 2007.

Since the decision mailed on October 21, 2008 improperly refunded $810 for the Request for Continued Examination (RCE) filed on October 31, 2007, that fee will be charged to petitioner's deposit account.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and the submission under 37 CFR 1.114 with the $810 fee; (2) the petition fee of $1,540; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 3628 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

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

Andrea Smith
Petitions Examiner
Office of Petitions

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FAKESPACE LABS
241 POLARIS AVE
MOUNTAIN VIEW CA 94043

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In re Application of	:	
McDowall et al.	:	
Application No. 11/088,121	:	DECISION ON PETITION
Filed: 22 March, 2005	:	
Atty Docket No. 212/849	:	

This is a decision on the petition filed on 10 April, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 22 June, 2005, for failure to timely reply to the Notice to File Corrected Application Papers mailed on 22 April, 2005, which set a two (2) month shortened period for reply. No extensions of time under 37 CFR 1.136(a)

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

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

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

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

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

were obtained. Notice of Abandonment was mailed on 10 January, 2006.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[2] In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply.[3] The four-month extension request filed on 10 April, 2006, was submitted more than five (5) months after the end of the period for reply to the Office communication mailed on 22 April, 2005, and therefore is unnecessary. The extension of time fee paid on 10 April, 2006, will be credited to counsel's deposit account as authorized.

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

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

---

[2] See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure, Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1208 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

[3] See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

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

MAY 12 2005

In re Application of	:	
B.O. Brooks et al	:	ap
Serial Number: 11/088,124	:	DECISION ON
Filed: March 23, 2005	:	PETITION UNDER
For: APPARATUS AND METHOD PROTECTING	:	M.P.E.P.708.02 XI
AGAINST ATTACK BY PARTICULATE :		
CHEMICAL OR BIOLOGICAL AGENTS	:	

This is in response to the petition filed, March 23, 2005 requesting that the above-identified application be granted Special Status under Section 708.02 (XI) of the MPEP and 37 CFR 1.102(d).

In view of the importance of developing technologies for countering terrorism and the desirability of prompt disclosure of advances made in these fields, the U.S. Patent and Trademark Office will accord "special" status to patent applications relating to counter-terrorism inventions.

International terrorism as defined in 18 U.S.C. 2331 includes "activities that - (A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; [and] (B) appear to be intended - (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnapping..." The types of technology for countering terrorism could include, but are not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems.

The petition for special status should be accompanied by a statement explaining how the invention contributes to countering terrorism however it is not clear from applicants statement how this application counters terrorism by detecting and identifying biohazard air borne pollutants.

The petition has been considered and found not to comply with the requirements set forth under the above-noted section. Accordingly the petition is Denied.

William Krynski, Special Program Examiner
Technology Center 1700
Chemical and Materials Engineering

UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 19 2005

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

GENE SCOTT
PATENT LAW & VENTURE GROUP
3140 RED HILL AVENUE
SUITE 150
COSTA MESA, CA 92626-3440

In re application of Hany Daoud Application No. 11/088,126 Filed: March 23, 2005 For: TABLE MOUNTED OR SUPPORTED PURSE HANGER	: : : :	**DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION)**

This is in response to the [illegible] petition filed on August 29, 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/dcg: 10/11/05

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Schwabe Williamson & Wyatt
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

Mail Date: 04/21/2010

Applicant	: Ben Zhong Tang	: DECISION ON REQUEST FOR
Patent Number	: 7659353	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/088,135	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/22/2005	: 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

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JJGJr: 09-05

Paper No: __

CATHY D. SANTA CRUZ
7630 THOLL DRIVE
RENO NV 89506

COPY MAILED

SEP 2 2 2005

OFFICE OF PETITIONS

In re Application of	:	
Santa Cruz, et al.	:	
Application No. 11/088,141	:	ON PETITION
Filed: 23 March, 2005	:	
Attorney Docket No. (None)	:	

This is a decision on the petition filed on 7 July, 2005, under 37 C.F.R. §1.53, to obtain a filing date with regard to the instant application.

For the reasons set forth below, the petition is **DISMISSED without prejudice**.

BACKGROUND

After this application was deposited on 23 March, 2005:

- on 10 May, 2005, the Office mailed a Notice of Omitted Items indicated that, while the application had been accorded a filing date, it appeared that Figs. 5 and 6, as described in the specification, had been omitted on deposit. OIPE indicated that Petitioner might: contend via petition (with a copy of the item(s)) that the omitted item(s) had been submitted and Petitioner might file a petition under 37 C.F.R. §1.182 (considered under 37 C.F.R. §1.53) as to that contention; submit the omitted item and accept the date of submittal as the filing date, or accept the application in the form the Office indicated it had been received. And OIPE set a two- (2-) month period for reply;

- rather than respond as directed above, Petitioner filed the instant petition (with fee) on 7 July, 2005, with, *inter alia*, a copy of the one sheet of drawings containing Figs. 5 and 6, as described in the specification, a signed and dated oath/declaration, but no date-stamped

("031805") receipt card (see: MPEP §503[1]), and no statement as to whether Petitioner averred that the figures were contained on deposit or Petitioner sought the later filing date (of 7 July, 2005) for the application with the figures the Office indicated were omitted on deposit.

Analysis

A search of the official file reveals that:

- on 23 March, 2005, Petitioner deposited the instant application;
- Petitioner offers no date-stamped receipt card to evidence items submitted to and items received by the Office;
- Petitioner has submitted in response to the Notice of Omitted Item a copy of the figures (one sheet containing Figs. 5 and 6) and an oath/declaration, suggesting that Petitioner is accepting

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[1] MPEP §503 provides in pertinent part:

§503 Application Number and Filing Receipt

* * *

A return postcard should be attached to *each* patent application for which a receipt is desired. It is important that the return postcard itemize all of the components of the application. If the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO). It should be recognized that the identification of an application by application number does not necessarily signify that the USPTO has accepted the application as complete (37 C.F.R. §1.53(a)).

* * *

RETURN POSTCARD

If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).

The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as *prima facie* evidence of receipt of those items.

The person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the post-card initialed by the person receiving the items. Upon return of a postcard receipt from the USPTO, the postcard receipt should be promptly reviewed by the person who filed the items to ensure that every item specifically denoted on the postcard was received by the USPTO. If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as *prima facie* evidence of receipt of that item in the USPTO. (Emphasis supplied.)

the later date (7 July, 2005) as the filing date–for which process no petition and petition fee are required;

- however, Petitioner also files a petition and pays the fee, suggesting that Petitioner may not wish to accept the later filing date.

Out of an abundance of caution, the instant petition is being dismissed with instructions to Petitioner to respond expressly to the Notice of Omitted Items and inform the Office whether Petitioner is:

- accepting the later filing date–i.e., that on which the omitted items were received); or
- alleging that the figures were deposited on 23 March, 2005, and with such allegation provide evidence (i.e., a date-stamped receipt card as described above) to support the allegation.

CONCLUSION

Out of an abundance of caution, the petition is **dismissed without prejudice**, and **Petitioner is to respond within TWO (2) MONTHS of the date of this decision** with a response indicating Petitioner's intent herein.
Further correspondence with respect to this matter should be addressed as follows:[2]

By mail: Commissioner for Patents[3]
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: IFW Formal Filings
(571) 273-8300
ATTN.: Office of Petitions

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

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[2] On July 15, 2005, the Central Facsimile (FAX) Number will change from (703) 872-9306 to (571) 273-8300. Faxes sent to the old number will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and (571) 273-8300 will be the only facsimile number recognized for centralized delivery. (For further information. see: http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/cfax062005.pdf .)

[3] To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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JJGJr: 02-06

Paper No: __

CATHY D. SANTA CRUZ
7630 THOLL DRIVE
RENO NV 89506

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FEB 16 2006
OFFICE OF PETITIONS

In re Application of	:	
Santa Cruz, et al.	:	
Application No. 11/088,141	:	ON PETITION
Filed: 23 March, 2005	:	
Attorney Docket No. (None)	:	

This is a decision on the paper filed on 18 October, 2005, and considered as a petition under 37 C.F.R. §1.53, to obtain a filing date of 23 March, 2005, with regard to the instant application, and in particular as to Figs. 5 and 6 (as described in the specification).

For the reasons set forth below, the petition is **GRANTED**.

BACKGROUND

After this application was deposited on 23 March, 2005:

- on 10 May, 2005, the Office mailed a Notice of Omitted Items indicated that, while the application had been accorded a filing date, it appeared that Figs. 5 and 6, as described in the specification, had been omitted on deposit. OIPE indicated that Petitioner might: contend via petition (with a copy of the item(s)) that the omitted item(s) had been submitted and Petitioner might file a petition under 37 C.F.R. §1.182 (considered under 37 C.F.R. §1.53) as to that contention; submit the omitted item and accept the date of submittal as the filing date, or accept the application in the form the Office indicated it had been received. And OIPE set a two- (2-) month period for reply;

- rather than respond as directed above, Petitioner filed the original petition (with fee) on 7 July, 2005, with, *inter alia*, a copy of the one sheet of drawings containing Figs. 5 and 6, as

described in the specification, a signed and dated oath/declaration, but no date-stamped receipt card (see: MPEP §503[1]), and no statement as to whether Petitioner averred that the figures were contained on deposit or Petitioner sought the later filing date (of 7 July, 2005) for the application with the figures the Office indicated were omitted on deposit, and for those reasons the petition was dismissed without prejudice on 22 September, 2005, and Petitioner was requested to be specific about the remedy sought in any future petition filed;

- Petitioner has submitted a somewhat conflicted set of materials–in that Petitioner evidences that Figs. 5 and 6 in fact were present on filing but Petitioner, acting *pro se*, has indicated a willingness (it seems erroneously/unnecessarily) to accept a later filing date–however, the conflict is resolved below.

Analysis

A search of the official file reveals that:

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[1] MPEP §503 provides in pertinent part:

§503 Application Number and Filing Receipt

* * *

A return postcard should be attached to *each* patent application for which a receipt is desired. It is important that the return postcard itemize all of the components of the application. If the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO). It should be recognized that the identification of an application by application number does not necessarily signify that the USPTO has accepted the application as complete (37 C.F.R. §1.53(a)).

* * *

RETURN POSTCARD

If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).

The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as *prima facie* evidence of receipt of those items.

The person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the post-card initialed by the person receiving the items. Upon return of a postcard receipt from the USPTO, the postcard receipt should be promptly reviewed by the person who filed the items to ensure that every item specifically denoted on the postcard was received by the USPTO. If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as *prima facie* evidence of receipt of that item in the USPTO. (Emphasis supplied.)

- on 23 March, 2005, Petitioner deposited the instant application;
- with the original petition Petitioner offered no date-stamped receipt card to evidence items submitted to and items received by the Office;
- Petitioner originally submitted in response to the Notice of Omitted Item a copy of the figures (one sheet containing Figs. 5 and 6) and an oath/declaration, suggesting that Petitioner is accepting the later date (7 July, 2005) as the filing date–for which process no petition and petition fee are required;
- although Petitioner has indicated a willingness to accept a later filing date, Petitioner now has included a copy of the date-stamped ("032305") receipt card in support of the allegation that the entire application–including Figs. 5 and 6–was entitled to a 23 March, 2005, filing dates, and said receipt card provides in pertinent part:

* * *

> New Utility patent application .... Consisting of 12 sheets of specification, claims, and abstract, and 4 pages formal drawings.

* * *

Thus, the discussion of the necessity for accepting a later filing date is mooted by the evidence submitted.

Because Petitioner's receipt card adequately itemized the contents of the application on the receipt card, it is concluded that the application, including Figs. 5 and 6, as described in the specification, was deposited with the Office on 23 March, 2005, and subsequently Figs. 5 and 6 were misplaced in the Office.

Accordingly, the application, <u>including Figs. 5 and 6, as described in the specification</u>, are entitled to a filing date of 23 March, 2005.

The Notice mailed on 20 May, 2005, was sent in error and is hereby <u>vacated</u> to the extent that it stated that the application was filed omitting Figs. 5 and 6, as described in the specification.

<u>CONCLUSION</u>

The petition is **<u>granted</u>** and the petition fee waived and refunded.

This application is released to OIPE for further processing with a filing date of 23 March, 2005, for the entire application with pages 1 - 12 of the specification (description, claims and abstract) and Figs. 1 - 6, as described in the specification, using:

- **pages 1 - 12 of specification (description, claims and abstract) and Figs. 1 - 4, as described in the specification, deposited on 23 March, 2005; and**

- **Figs. 5 and 6, as described in the specification, deposited on 7 July, 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 23 March, 2005, and reflecting therein that 12 pages of specification (description, claims and abstract) and 4 sheets of drawings (Figs. 1 - 6), as described in the specification, were present on filing.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SILICON EDGE LAW GROUP, LLP
6601 KOLL CENTER PARKWAY
SUITE 245
PLEASANTON CA 94566

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AUG 1 0 2005

OFFICE OF PETITIONS

In re Application of :
Michael Green et al. :
Application No. 11/088,152 :
Filed: March 22, 2005 :
Attorney Docket No. RA-307-1C :

ON PETITION

This is a decision on the petition under 37 CFR 1.10 (c), filed May 4, 2005, to correct the filing date to March 22, 2005, rather than the presently accorded filing date of May 23, 2005.

Petitioner alleges that the application was deposited in Express Mail service on March 22, 2005. In support, petitioner has supplied a copy of Express Mail Label No. ER898234636US (the same Express Mail number found on the transmittal sheet and the accompanying application papers located in the official file). The "date-in" on the Express Mail Label is March 22, 2005.

In view of the above, the petition is **GRANTED** and since no fee is due, none will be charged to petitioner's deposit account.

The matter of the filing date is being forwarded to the Office of Initial Patent Examination for correction of the **filing date to March 22, 2005** and for issuance of a corrected filing receipt.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 7/29/08

TO SPE OF : ART UNIT 2851

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/088153 Patent No: 7357511 B2

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

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within 7 days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within 7 days, to:

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

VIRGINIA TOLBERT
Certificates of Correction Branch
703-308-9390 ext. 113

Thank You For Your Assistance

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

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

Comments: _____

SPE — Art Unit AU 2851

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WORKMAN NYDEGGER
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

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MAY 12 2008

In re Application of	:	
HAYS, Jeffrey	:	
Application No. 11/088,168	:	DECISION ON PETITION
Filed: March 23, 2005	:	TO WITHDRAW
Attorney Docket No. **3351-8827US**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 09, 2007.

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 WORKMAN NYDEGGER has been revoked by the assignee of the patent application on April 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 inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **TRASK BRITT**
P.O. BOX 2550
SALT LAKE CITY UT 84110

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04/5/10

TO SPE OF : ART UNIT 2191

SUBJECT : Request for Certificate of Correction for Appl. No.: 11088173 Patent No.: 7451433

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: _____

_____

_____

_____

_____

SPE

2191
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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FROM DIRECTORS OFFICE

JUL 07 2005

TECHNOLOGY CENTER 3600

BERNARD S. HOFFMAN
SUITE 7F
460 OLD TOWN ROAD
PORT JEFFERSON STATION, NY 11776

In re application of Harry C. Hunt Application No. 11/088,195 Filed: March 23, 2005 For: LOCK SYSTEM FOR INTEGRATING INTO AN ENTRY DOOR HAVING A VERTICAL EXPANSE AND PROVIDING SIMULTANEOUS MULTI-POINT LOCKING ETC.	:	**DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION)**

This is in response to the petition filed on June 16, 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(h); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

The petition fails to adequately meet requirements (B) above. Regarding item (B), the petition fails to include an election without traverse, or a statement that applicant is willing to elect without traverse should a restriction or election be required.

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

Petitioner is given one more opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

Applicant should promptly submit a renewed petition to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

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

Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(703) 308-3868

SNM/dew: 06/28/05

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SEP 19 2005

TECHNOLOGY CENTER 3600

BERNARD S. HOFFMAN
460 Old Town Road
Suite 7F
Port Jefferson Station, NY 11776

In re application of	:	**DECISION ON RENEWED**
Harry C. Hunt	:	**PETITION TO MAKE**
Application No. 11/088,195	:	**SPECIAL (ACCELERATED**
Filed: March 23, 2005	:	**EXAMINATION)**
For: LOCK SYSTEM FOR INTEGRATING INTO AN ENTRY DOOR HAVING A VERTICAL EXPANSE AND PROVIDING SIMULTANEOUS MULTI-POINT LOCKING ALONG THE VERTICAL EXPANSE OF THE ENTRY DOOR		

This is in response to the renewed petition filed on July 21, 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).

The original petition filed on June 16, 2005 was dismissed on July 07, 2005 for failing to satisfy requirement (B) above. The renewed petition satisfies the above deficiencies.

Since all of the requirements for special status under MPEP § 708.02 VIII have now been met, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

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

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

KJD/pav: 07/30/05

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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TING-MAO CHAO
Preston Gates & Ellis LLP
55 Second Street
Suite 1700
San Francisco CA 94105

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OFFICE OF PETITIONS

In re Application of	:	
GREENLY, et al.	:	
Application No. 11/088,196	:	DECISION ON PETITION
Filed: March 23, 2005	:	TO WITHDRAW
Attorney Docket No. 52653-00003	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed March 15, 2006.

The request is **NOT APPROVED**.

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, "Termination of representation," do not meet any the conditions set forth in 37 CFR 10.40.

A review of the file record indicates that Ting-Mao Chao Registration No. L0119 does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

Telephone inquires concerning this decision should be directed to Patricia Volpe at 571-272-6825.

Patricia Volpe
Petitions Examiner
Office of Petitions

cc: Howard Chen, Esq.
Preston Gates & Ellis LLP
55 Second Street
Suite 1700
San Francisco, CA 94105

cc: W. Allen Greenly
3706 Truesdell Place
Dallas, TX 75244

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS LLP
ATTN: ELLEN KLANN
1601 K ST., N.W.
WASHINGTON, DC 20006

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JUN 1 2 2008

OFFICE OF PETITIONS

In re Application of	:	
W. Allen GREENLY, et al	:	
Application No. 11/088,196	:	DECISION ON PETITION
Filed: March 23, 2005	:	TO WITHDRAW
Attorney Docket No. 52653-00003	:	FROM RECORD
	:	

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 21, 2008.

The request is **NOT APPROVED**.

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

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: W. ALLEN GREENLY
3706 TRUESDELL PLACE
DALLAS, TX 75244

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS LLP
ATTN: ALLEN KLANN
1601 K STREET, NW
WASHINGTON, DC 20006

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SEP 23 2008

In re Application of	:	
W. Allen GREENLY, et al	:	
Application No. 11/088,196	:	DECISION ON PETITION
Filed: March 23, 2005	:	TO WITHDRAW
Attorney Docket No. 52653-00003	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 17, 2008.

The request is **NOT APPROVED.**

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

The request cannot be approved because there is no indication that the acts noted above have been performed.

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

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OCT 05 2005

TECHNOLOGY CENTER 3600

JENKINS, WILSON, TAYLOR
& HUNT, P.A.
3100 TOWER BLVD, SUITE 1200
DURHAM, NC 27707

In re application of
Evan Reis
Application No. 11/088,232
Filed: March 23, 2005
For: COLLABORATIVE RISK SHARING METHODS AND RELATED PRODUCTS

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION)

This is in response to the petition filed on July 26, 2006 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

The petition fails to adequately meet requirements (B) and (C) above. Regarding item (B), the petition does not include an offer to elect without traverse should the Office determine that all claims are not directed to a single invention. Regarding item (C), since no class/subclass search was done, the search strategy and keywords used must be supplied.

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

Petitioner is given one more opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

Applicant should promptly submit a renewed petition to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

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

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

KJD/dcg: 10/2/06

UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 12 2007

TECHNOLOGY CENTER 3600

JENKINS, WILSON, TAYLOR & HUNT, P.A.
3100 TOWER BLVD
SUITE 1200
DURHAM NC 27707

In re application of
Evan Reis
Application No. 11/088,232
Filed: March 23, 2005
For: COLLABORATIVE RISH SHARING METHODS AND RELATED PRODUCTS

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION)

This is in response to the renewed petition filed on November 15, 2006 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

Since all of the requirements for special status under MPEP § 708.02 VIII have 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

SNM/dcg: 2/5/07

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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STMICROELECTRONICS INC.
C/O WOLF, GREENFIELD & SACKS, PC
FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

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OFFICE OF PETITIONS

In re Application of	:	
Rieve, et al.	:	
Application No. 11/088,249	:	ON PETITION
Filed: March 23, 2005	:	
Attorney Docket No. S1022.81138US01	:	

This is a decision on the petition under 37 CFR 1.10(c), filed April 11, 2005, requesting that the above-identified application be accorded a filing date of March 23, 2005. The petition was recently forwarded to this office for consideration.

The United States Patent and Trademark Office records indicate that the presently accorded filing date of the above-identified application is March 23, 2005. Therefore, the petition involves a moot issue.

A replacement filing receipt is enclosed for petitioner's records.

Accordingly, the petition is dismissed.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: Replacement filing receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

Mail Date: 04/20/2010

Applicant	: Gregory R. Whittaker	: DECISION ON REQUEST FOR
Patent Number	: 7655011	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/088,250	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **681** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE WI 53202-5306

In re Application of	:	
Zeikus, et al.	:	
Application No. 11/088,278	:	DECISION ON PETITION
Filed: March 23, 2005	:	TO WITHDRAW
Attorney Docket No. 044829-0264	:	FROM RECORD
	:	

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 25, 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 M. Scott McBride on behalf of all attorneys of record who are associated with customer No. 26371.

All attorneys/agents associated with the Customer Number 26371 have been withdrawn.

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

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: Michigan State University
494 Administration Building
East Lansing, MI 48824

cc: Mr. Ian C. McLeod
McLeod & Moyne, P.C.
2190 Commons Parkway
Okemos, MI 48864

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JJGJR.: 11-05

Paper No: __

KENYON & KENYON
ONE BROADWAY
NEW YORK NY 10004

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OFFICE OF PETITIONS

In re Application of
Kadima, et al. :
Application No. 11/088,280 : ON PETITION
Filed: 23 March, 2005 :
Attorney Docket No. 01662/46003 :

This is a decision on the papers submitted and considered as a petition filed on 26 August, 2005, under 37 C.F.R. §1.47.

For the reasons set forth below, the petition under 37 C.F.R. §1.47 is **DISMISSED**.

NOTES:

(1) Any reply must include a renewed petition (and fee) must include a petition under 37 C.F.R. §1.47 and must be submitted within two (2) months from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 C.F.R. §1.47";

(2) Thereafter, there will be no further reconsideration of this matter.

BACKGROUND

The record indicates:

- the instant application was filed–as a continuation of 10/657,737 (filing date: 3 September, 2003)–on 23 March, 2005, without, *inter alia*, a fully executed oath/declaration;

- on 22 April, 2005, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration was required within two months (as well as the basic filing fee and replacement drawings);

- on 26 August, 2005, Petitioner Siu K. Lo (Reg. No. 46,877) filed, *inter alia*, the instant petition, along with a discussion of the history of the application, an averment that co-inventors Tenshuk A. Kadima (Mr. Kadima) and Robert C. Tuttle (Mr. Tuttle) cannot be found, co-inventor Howard A. Kaplan (Mr. Kaplan) is deceased and his legal representative Carole Grad (Ms. Grad) does not wish to sign the declaration because she does not understand it and does not wish to be subject to penalties for making a false declaration, and Petitioner also avers that four additional inventors need to be added (to wit: Lajos Hegedus (Mr. Hegedus), Krisztina Krempels (Ms. Krempels), Krisztina Paal (Ms. Paal) and Gabor Petho (Mr. Petho)), however the wholly unsigned oath/declaration lists these persons (but without sending to them the entire application as required–the application number identified in the transmittal letter is not that of the instant application) while Petitioner has neither obtained their signature on the oath/declaration nor made a showing comporting with 37 C.F.R. §1.47;

- the deficiencies with the instant petition include the failure to send to the have an authorized person sign the oath/declaration if no inventors are available to sign (and evidence of the authority of that person to sign), the failure to evidence (with documents) due diligence in attempting to ascertain a current/valid/last known address for the non-signing inventors (over and above the exchange of two Emails stating in essence we looked at Lexis and we looked at Westlaw), the failure to evidence having sent the entire application (description, claims, abstract and drawings) to alleged non-signing inventors Mr. Hegedus, Ms. Krempels, Ms. Paal and Mr. Petho; and it appears that Petitioner also seeks to submit (on 26 August, 2005) an oath/declaration signed by Mr. Hegedus, Ms. Krempels, and Ms. Paal, but that is unclear and it seems wholly unstated.

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.

It appeared from the outset that Petitioner was submitting a wholly unsigned oath/declaration. The commentary at MPEP §409.03(b) provides that, where no inventors are available to sign:

> **409.03(b) No Inventor Available**
>
> Filing under 37 C.F.R. 1.47(b) and 35 U.S.C. 118 is permitted only when no inventor is available to make application. These provisions allow a "person" with a demonstrated proprietary interest to make application "on behalf of and as agent for" an inventor who "can-not be found or reached after diligent effort" or who refuses to sign the application oath or declaration. The word "person" has been construed by the U.S. Patent and Trademark Office to include juristic entities, such as a corporation. Where 37 C.F.R. 1.47(a) is available, application cannot be made under 37 C.F.R. 1.47(b).
>
> In addition to other requirements of law (35 U.S.C. 111(a) and 115), an application deposited pursuant to 37 C.F.R. 1.47(b) must meet the following requirements:

(A) The 37 C.F.R. 1.47(b) applicant must make the oath required by 37 C.F.R. 1.63 and 1.64 or 1.175. Where a corporation is the 37 C.F.R. 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP § 324. An inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. *Staeger v. Commissioner*, 189 USPQ 272 (D.D.C. 1976), *In re Striker*, 182 USPQ 507 (Comm'r Pat. 1973). Where an application is executed by one other than the inventor, the declaration required by 37 C.F.R. 1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor. Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 C.F.R. 1.47(b).

(B) The 37 C.F.R. 1.47(b) applicant must state his or her relationship to the inventor as required by 37 C.F.R. 1.64.

(C) The application must be accompanied by proof that the inventor (1) cannot be found or reached after a diligent effort or (2) refuses to execute the application papers. See MPEP § 409.03(d).

(D) The last known address of the inventor must be stated. See MPEP § 409.03(e).

(E) The 37 C.F.R. 1.47(b) applicant must make out a *prima facie* case (1) that the invention has been assigned to him or her or (2) that the inventor has agreed in writing to assign the invention to him or her or (3) otherwise demonstrate a proprietary interest in the subject matter of the application. See MPEP § 409.03(f).

(F) The 37 C.F.R. 1.47(b) applicant must prove that the filing of the application is necessary (1) to pre-serve the rights of the parties or (2) to prevent irreparable damage. See MPEP § 409.03(g).

Thus, a registered practitioner signing on behalf of the assignee, must state affirmatively that the

practitioner is authorized to so sign. (MPEP §409.03(b)).

When one alleges a refusal of the inventor to sign the application papers, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who, *inter alia*, presented the inventor with the application papers and/or to whom the refusal was made.

The commentary at MPEP §409.03(d) provides:

> **409.03(d) Proof of Unavailability or Refusal**
>
> INVENTOR CANNOT BE REACHED
>
> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 C.F.R. §1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 C.F.R. §1.47.
>
> Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under 37 C.F.R. §1.47. 37 C.F.R. §1.43 may be available under these circumstances. See MPEP §409.02. Such a petition under 37 C.F.R. §1.47 will be dismissed as inappropriate.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.
>
> REFUSAL TO JOIN
>
> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application

> papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 C.F.R. §1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP §106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 C.F.R. §1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 C.F.R. §1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Thus, not only <u>must a copy of the entire application must be sent to the last known address of the non-signing inventor</u> (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

Included among the apparent deficiencies herein are the following:

- if there are no signing inventors, there is a failure to have an authorized person sign the oath/declaration and evidence of the authority of that person to sign (MPEP §409.03(b));
- the failure to evidence (with documents) due diligence in attempting to ascertain a current/valid/last known address for the non-signing inventors;
- the failure to evidence having sent the entire application (description, claims, abstract and drawings) to all alleged non-signing inventors: the transmittal letters provided identify an application number other than that of the instant application and there are no submissions as to Mr. Hegedus, Ms. Krempels, Ms. Paal and Mr. Petho; and
- if, as it seems to appear, Petitioner also seeks to submit an oath/declaration signed by Mr. Hegedus, Ms. Krempels, and Ms. Paal, to so state and to evidence the satisfaction of the assignee's duty to provide to the other non-signing inventor Mr. Petho a copy of the entire application (description, claims, abstract and drawings).

Therefore, the instant petition hereby is **dismissed**.

---

[1] See: MPEP 409.03(b).

Further correspondence with respect to this matter should be addressed as follows:[2]

By mail: Commissioner for Patents[3]
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: IFW Formal Filings
(571) 273-8300
ATTN.: Office of Petitions

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

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

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

[2] On July 15, 2005, the Central Facsimile (FAX) Number will change from (703) 872-9306 to (571) 273-8300. Faxes sent to the old number will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and (571) 273-8300 will be the only facsimile number recognized for centralized delivery. (For further information. see: http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/cfax062005.pdf .)

[3] To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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C/O BRINKS HOFER GILSON & LIONE
PO BOX 10395
CHICAGO IL 60610

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JUL 29 2005

OFFICE OF PETITIONS

In re Application of :
Moran, Zhu, and Nation :
Application No. 11/088,292 :
Filed: March 24, 2005 :
Attorney Docket No. 10541-2071 :
For: IGNITION COIL DRIVER DEVICE WITH :
SLEW-RATE LIMITED DWELL TURN-ON :

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed June 13, 2005.

The petition is granted.

Petitioner showed that Michael Nation, the non-signing inventor, refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the statement of facts of Theresa Wand established that the inventor was presented with the application papers, including the specification, claims and drawings, but refused the request that he sign the declaration.

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

The application is being referred to Technology Center Art Unit 3747 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

Michael Nation
544 Terrace Lane
Ypsilanti, MI 48198

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JUL 29 2005

OFFICE OF PETITIONS

In re Application of :
Moran, Zhu, and Nation :
Application No. 11/088,292 : LETTER
Filed: March 24, 2005 :
For: IGNITION COIL DRIVER DEVICE WITH :
SLEW-RATE LIMITED DWELL TURN-ON :

Dear Mr. Nation:

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

VISTEON
C/O BRINKS HOFER GILSON & LIONE
PO BOX 10395
CHICAGO IL 60610

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

STMICROELECTRONICS, INC.
MAIL STATION 2346
1310 ELECTRONICS DRIVE
CARROLLTON, TX 75006

Mail Date: 04/20/2010

Applicant	: Pratish R. Desai	: DECISION ON REQUEST FOR
Patent Number	: 7634004	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/088,314	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **790** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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David R. Preston & Associates
5850 Oberlin Drive
Suite 300
San Diego, CA 92121

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JUL 24 2006

OFFICE OF PETITIONS

In re Application of	:	
Hey-Chi Hsu	:	
Application No. 11/088,331	:	DECISION ON PETITION
Filed: March 24, 2005	:	TO WITHDRAW
Attorney Docket No. AHG-00101.P.1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 19, 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 David R. Preston, on behalf of all attorneys of record who are associated with Customer No. 24232.

All attorneys/agents associated with the Customer Number 24232 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 Hey-Chi Hsu 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.

for David Bucci
Petitions Examiner
Office of Petitions

cc: Hey-Chi Hsu
Asia Hepato Gene Company
3 Chen-Kong 2nd Road
Taipei, Taiwan

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE, MA 02138

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MAR 12 2008

OFFICE OF PETITIONS

In re Application of :
Hey-Chi Hsu, et al. :
Application No. 11/088,331 :
Filed: December 15, 2004 :
Attorney Docket No. 55801-002001 :

ON PETITION

This is a decision in response to the petition, filed October 30, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 20, 2006, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extension of time under the provisions of 37 CFR 1.136(a) was obtained. A Notice of Abandonment was mailed on July 24, 2007. In response, on October 30, 2007 the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the response in the form of an election of the invention to be examined; (2) the petition fee of $770; and (3) an adequate statement of unintentional delay[1].

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

The application is being referred to Technology Center AU 1642 for consideration of the response filed October 30, 2007.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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ROSS J. OEHLER
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BRIDGEWATER, NJ 08807

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JUN 22 2006

OFFICE OF PETITIONS

In re Application of

Jansen, et al.

Application No. 11/088,356

Filed: NO FILING DATE ACCORDED

Attorney Docket No. DEAV2000/A006 USNP1

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed on August 30 2005.

The petition is **granted**.

Proceedings in this application were terminated on June 20, 2005, after no response was received to the Notice of Incomplete Nonprovisional Application mailed April 19, 2005, which set a non-extendable period for response of two months from its mailing date. A response was not received within the allowable periods and the proceedings were terminated on June 20, 2005. A Notice of Termination of Proceedings under 37 CFR 1.53(e) was mailed on August 24, 2005. Petitioner maintains that the notice of April 19, 2005, was never received and provides a copy of the relevant docket records as proof of the same.

Section 711.03(c)(II) of the *Manual of Patent Examining Procedure* ("MPEP") provides that in order to establish non-receipt of an Office action so as prove that the imposition of a holding of abandonment, or termination of proceedings, 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 to terminate the proceedings in the subject application was improper and is withdrawn.

The application file is being forwarded to the Office of Initial Patent Examination for further processing, including remailing of the "Notice of Incomplete Nonprovisional Application" and resetting of the period for reply thereto.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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JAN 26 2007

OFFICE OF PETITIONS

In re Application of :
Jansen, et al. :
Application No. 11/088,356 : DECISION GRANTING PETITION
Filed: March 24, 2005 :
Attorney Docket No.DEAV2000/A006 US NP1 :

This is a decision on the petition under 37 CFR 1.53 filed December 14, 2006, that is responsive to the "Notice of Incomplete Nonprovisional Application" (the "Notice") mailed October 18, 2006.

On March 24, 2006, the application was deposited.

On October 18, 2006, the Office of Initial Patent Examination mailed the Notice stating that no filing date had been accorded the application because drawings were not found with the original disclosure, but appeared to be required to understand the invention claimed. The Notice allowed a non-extendable period for response of two months from its mailing date. The instant petition was filed on December 14, 2006. Petitioner argues that the application should be accorded a filing date of March 24, 2005, because drawings were not necessary to understand the invention claimed.

It has been determined that drawings are not necessary to understand at least one claim within the meaning of the first sentence of 35 USC 113. It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). A review of the record reveals that Claims 1 and 33 in the disclosure are process claims. Therefore, the application is deemed to be an application that does not require drawings for an understanding of the invention claimed. Accordingly, the application, as filed, was entitled to the filing date of March 24, 2005.

The petition fee of $400.00 will be refunded, in due course.

The application is being forwarded to the Office of Initial Patent Examination for issuance of a corrected filing receipt and for further processing with a filing date March 24, 2005, and an indication in Office records that no drawings were present on filing. Applicant should file a preliminary amendment before the first action on the merits requesting entry of the drawings.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 20 2009

OFFICE OF PETITIONS

In re Application of	:	
JANSEN et al.	:	DECISION ON APPLICATION
Application No. 11/088,356	:	FOR
Filed: March 24, 2005	:	PATENT TERM ADJUSTMENT
Attorney Docket No. DEAV2000/A006 US NP1	:	

This is a decision on the "COMBINED REQUEST FOR RECONSIDRATION OF PATENT TERM ADJUSTMENT IN THE NOTICE OF ALLOWAMCE (37 C.F.R. § 1.705 AND STATEMENT OF THE CORRECT PATENT TERM ADJUSTMENT: BASIS(ES) UNDER § 1.702 FOR THE ADJUSTMENT (37 C.F.R. § 1.705(B)(2)(i))" filed September 29, 2008. Applicants request that the initial Determination of Patent Term Adjustment under 35 U.S.C. 154(b) be corrected from fourteen (14) days to four hundred seventy (470) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PALM and PAIR screens to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **470 days**. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On July 2, 2008, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 14 days. The instant application for patent term adjustment was timely filed[1] on or before payment of the issue fee. Applicants dispute the reduction pursuant to 37 CFR

[1] PALM records indicate that the issue fee was paid on September 29, 2008.

1.704(b) of 456 days in responding to the Notice of Incomplete Non-Provisional Application mailed April 19, 2005.

Applicants state that the patent issuing from the application is subject to a terminal disclaimer.

Pursuant to 37 CFR 1.704(b):

> [w]ith respect to the grounds for adjustment set forth in §§ 1.702(a) through (e), and in particular the ground of adjustment set forth in § 1.702(b), an applicant shall be deemed to have failed in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three-months after the date of mailing or transmission of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph.

Applicants' arguments have been considered and found persuasive. On April 19, 2005, the Office mailed a Notice of Incomplete Nonprovisional Application. Although the Notice of Incomplete Nonprovisional Application of April 19, 2005, was mailed to the correct correspondence address of record, applicants established that the Notice was not received at the correspondence address of record with the USPTO. The Notice was withdrawn on October 18, 2006. A letter restarting the period for reply (and re-mailing the Notice of Incomplete Nonprovisional Application) was also mailed on October 18, 2006. On December 14, 2006, applicants submitted a response, which was received within the three-month period after the date of the mailing of the Notice of Incomplete Nonprovisional Application as re-mailed on October 18, 2006, pursuant to 37 CFR 1.704(b). Accordingly, it is concluded that applicants did not fail to engage in reasonable efforts to conclude processing or examination of the application by delaying in replying to the Notice of Incomplete Nonprovisional Application. The period of reduction of 456 days for applicant delay is being removed.

In view thereof, the determination of the patent term adjustment at the time of the mailing of the notice of allowance is 470 days.

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

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

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

Telephone inquiries specific to this matter should be directed to Kenya A. McLaughlin, Petitions Attorney, at (571)272-3222.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of UPDATED PALM Screen

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

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JAN 04 2008

OFFICE OF PETITIONS

In re Application of :
Gilles et al. :
Application No. 11/088,360 : LETTER REGARDING
Filed: March 24, 2005 : PATENT TERM ADJUSTMENT
Attorney Docket No.08285-00730:

This is in response to the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT," filed September 13, 2007. Applicants disclose that the patent term adjustment pursuant to 35 U.S.C. 154(b) of 237 days indicated on the Determination of Patent Term Adjustment may extend the term of this patent by too many days.

The request for review of the patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is two hundred thirty-six **(236)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On June 15, 2007, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 237 days. Applicants submit no basis for their assertion that the patent term may be extended by too many days.

Nonetheless, a review of the application history confirms an error. A period of reduction of 1 day should have been entered. 37 C.F.R. §1.704(c)(8) provides that a period of reduction is entered for:

Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

> (8) Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed;

In this instance, after the filing of a response on April 16, 2007, on April 17, 2007, applicants filed a "other paper" in the form of a request for corrected filing receipt. The record supports a conclusion that this other paper was not expressly requested by the examiner. Accordingly, the PTA should have been reduced by 1 day, the number of days beginning on the day after the date the initial reply was filed, April 17, 2007, and ending on the date that the supplemental reply or other such paper was filed, April 17, 2007.

In view thereof, the correct determination of PTA at the time of the mailing of the notice of allowance is TWO HUNDRED THIRTY-SIX (236) days.

As this letter was submitted as an advisement to the Office of an error in Applicants' favor, the Office will not assess the $200.00 fee under 37 CFR 1.18(e). The Office thanks Applicants for their good faith and candor in bringing this to the attention of the Office.

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 the Petitions Attorney Charlema Grant at (571) 272-3215.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

Day : Thursday

PALM INTRANET

Date: 1/3/2008
Time: 15:33:18

PTA Calculations for Application: 11/088360			
Application Filing Date:	03/24/2005	PTO Delay (PTO):	237
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	236
PTO Delay Adjustment:	-1		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
42	01/03/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		1	
27	06/15/2007	MAIL NOTICE OF ALLOWANCE			
26	05/14/2007	ISSUE REVISION COMPLETED			
25	05/14/2007	DOCUMENT VERIFICATION			
24	05/12/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
23	05/10/2007	NOTICE OF ALLOWABILITY			
22	04/25/2007	PARALEGAL TD ACCEPTED			
21	04/13/2007	TERMINAL DISCLAIMER FILED			
20	04/17/2007	CORRECTED FILING RECEIPT			
19	04/16/2007	TERMINAL DISCLAIMER FILED		0	17
18	04/23/2007	DATE FORWARDED TO EXAMINER			
17	04/16/2007	RESPONSE AFTER NON-FINAL ACTION			
16	01/16/2007	MAIL NON-FINAL REJECTION	237		-1
15	01/12/2007	NON-FINAL REJECTION			
14	03/24/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
13	08/28/2006	PRELIMINARY AMENDMENT			
12	05/08/2006	CASE DOCKETED TO EXAMINER IN GAU			
11	03/22/2006	CASE DOCKETED TO EXAMINER IN GAU			
10	09/13/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
9	09/13/2005	CASE DOCKETED TO EXAMINER IN GAU			
8	03/24/2005	REFERENCE CAPTURE ON IDS			
7.7	03/24/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
7	03/24/2005	INFORMATION DISCLOSURE STATEMENT (IDS)			

		FILED			
6	03/24/2005	PRELIMINARY AMENDMENT			
5	04/21/2005	APPLICATION DISPATCHED FROM OIPE			
4	04/21/2005	APPLICATION IS NOW COMPLETE			
3	04/12/2005	CLEARED BY OIPE CSR			
2	04/06/2005	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	03/24/2005	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

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WALL & TONG, LLP/
ALCATEL-LUCENT USA INC.
595 SHREWSBURY AVENUE
SHREWSBURY, NJ 07702

Mail Date: 06/16/2010

Applicant	: Angel Molina	: DECISION ON REQUEST FOR
Patent Number	: 7633950	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/088,376	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/24/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1301** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SHELDON MAK ROSE & ANDERSON PC
100 CORSON STREET
THIRD FLOOR
PASADENA CA 91103-3842

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SEP 02 2008

In re Application of	:	
CHEN, Sheng W.	:	
Application No. 11/088,384	:	DECISION ON PETITION
Filed: March 23, 2005	:	TO WITHDRAW
Attorney Docket No. 18516	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 13, 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 Danton Mak on behalf of all attorneys of record who are associated with customer No. 23676. All attorneys/agents associated with the Customer Number 23676 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 Sheng Chen at the address indicated below. There is an outstanding Office action mailed April 02, 2008 that requires a reply from the applicant.

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **SHENG W. CHEN**
13810 MOUNTAIN AVENUE
CHINO CA 91710

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Design IP, P.C.
5100 W. Tilghman Street
Suite 205
Allentown, PA 18104

MAILED

MAR 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Gazi Abdulhay, et al.	:	
Application No. 11/088,385	:	DECISION ON PETITION
Filed: March 23, 2005	:	TO WITHDRAW
Attorney Docket No. HMS-P0002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 4, 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 Damon A. Neagle 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 Gazi Abdulhay, MD at the address indicated below.

There is an outstanding Office action mailed October 17, 2008 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: **Gazi Abdulhay, MD**
1550 Pond Road, Suite 102
Allentown, PA 18104

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/088,385	03/23/2005	Gazi Abdulhay	HMS-P0002

CONFIRMATION NO. 1372

POWER OF ATTORNEY NOTICE

35775
DESIGN IP, P.C.
5100 W. TILGHMAN STREET
SUITE 205
ALLENTOWN, PA 18104

OC000000035196928

Date Mailed: 03/26/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/04/2008.

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

/tswilliams/

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

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HONEYWELL/SHIMOKAJI
PATENT SERVICES
101 Columbia Road
P.O.Box 2245
Morristown, NJ 07962-2245

Mail Date: 04/20/2010

Applicant	: Darrell W. Horner	: DECISION ON REQUEST FOR
Patent Number	: 7571742	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/088,386	: OF WYETH
Filed	: 03/23/2005	:
		:

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

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

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

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

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

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

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

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

or

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

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

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

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

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

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PATENT SERVICES
101 Columbia Road
P.O.Box 2245
Morristown, NJ 07962-2245

Mail Date: 05/17/2010

Applicant : Darrell W. Horner
Patent Number : 7571742
Issue Date : 08/11/2009
Application No : 11/088,386
Filed : 03/23/2005

: NOTICE CONCERNING IMPROPER
: DISMISSAL OF THE REQUEST
: FOR RECALCULATION OF
: PATENT TERM ADJUSTMENT
: IN VIEW OF WYETH

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO mistakenly dismissed a small number of requests as ineligible. The dismissals involve requests that were filed on February 9-12, 2010, for patents that were granted on August 11, 2009. Any request that was filed on February 8, 2010 was properly deemed eligible for patent term adjustment (PTA) and was recalculated.

Patents meeting the above criteria were eligible because the USPTO was closed February 8-11, 2010, due to a snowstorm. See Closing of the United States Patent and Trademark Office from Monday February, 8, 2010, through Thursday, February 11, 2010, 1352 *Off. Gaz. Pat. Office* 146 (March 16, 2010). The Office considered each day from Monday, February 8, 2010, through Thursday, February 11, 2010, to be a "Federal holiday within the District of Columbia" under 35 U.S.C. § 21(b) and 37 CFR 1.6, 1.7, 1.9, 2.2(d), 2.195 and 2.196. Any actions that were due from Monday, February, 8, 2010, through Thursday, February 11, 2010, (or the preceding Saturday (February 6, 2010) or Sunday (February 7, 2010)) will be considered timely if the action was taken on the next succeeding business day on which the USPTO was open, which was February 12, 2010.

This notice **VACATES** the previous mailed decision in the patented file that deemed patentee ineligible for the request for recalculation. Patentee's request for recalculation is GRANTED.

The patent term adjustment has been determined to be **168** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

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

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA deterimation in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154(b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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TRELLIS INTELLECTUAL PROPERTY LAW GROUP, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO, CA 94303

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MAR 1 3 2007

OFFICE OF PETITIONS

In re Application of
Nicholas F. Pasch, et al.
Application No. 11/088,390
Filed: March 23, 2005
Attorney Docket No. 100115-000500US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed October 24, 2006.

The request is **NOT APPROVED**.

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, "termination of services", does not meet any of the conditions set forth in 37 CFR 10.40.

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: MITCHELL AND CULP, PLLC
ATTEN: RICHARD M. MITCHELL, ESQ.
1001 MOREHEAD SQUARE DRIVE
SUITE 330
CHARLOTTE, NC 28203-4268

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AUG 09 2007

OFFICE OF PETITIONS

In re Application of :
Nicholas F. Pasch, et al. :
Application No. 11/088,390 :
Filed: March 23, 2005 :
Attorney Docket No. 100115-000500US :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed March 29, 2007.

The request is **APPROVED**.

A review of the file record indicates that Trellis Intellectual Property Law Group, PLLC: (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, Trellis Intellectual Property Law Group, PLLC 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 of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) the intervening assignee of the entire interest. All future communications from the Office will be directed to the first named signing inventor under 37 C.F.R. §3.71 at the first copied address below until otherwise properly notified by the applicant.

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

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

There are no pending Office actions at the present time.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: NICHOLAS F. PASCH
1470 DE SOLO DRIVE
PACIFICA, CA 94044-4004

cc: RICHARD M. MITCHELL, ESQ.
MITCHELL & CULP, PLLC
1001 MOREHEAD SQUARE DRIVE
SUITE 330
CHARLOTTE, NC 28203-4268

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/088,390	03/23/2005	Nicholas F. Pasch	100115-000500US

CONFIRMATION NO. 1382

OC000000025255128

37490
Trellis Intellectual Property Law Group, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO, CA 94303

Date Mailed: 08/08/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/29/2007.

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

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

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Date: 01/31/08

Patent No. : 7286397 B2
Ser. No. : 11/088,397
Inventor(s) : MIWA, HITOSHI
Issued : 10/23/07
Title : **CLOCK SYNCHRONIZED NONVOLATILE MEMORY DEVICE**
Docket No. : **501.35478CX26**

Re: Request for Certificate of Correction

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

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

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

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

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

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

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

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

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
40l Dulany Street
Alexandria, VA 22314

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

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

Lamonte M. Newsome
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 #112 or (703) 308-8309

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

LMN

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/088,428	03/24/2005	1752	1830	Serie 6534		26	5

CONFIRMATION NO. 8926

UPDATED FILING RECEIPT

OC000000016389446

Linda K. Russell
Suite 1800
2700 Post Oak Blvd.
Houston, TX 77056

Date Mailed: 06/27/2005

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)

Wolfgang Beilfuss, Hamburg, GERMANY;
Ralf Gradtke, Tornesch, GERMANY;
Klaus Weber, Hamburg, GERMANY;

Power of Attorney:

Linda Russell--34918
Christopher Cronin--46513

Domestic Priority data as claimed by applicant

Foreign Applications

GERMANY 10 2004 014 447.8 03/24/2004

If Required, Foreign Filing License Granted: 04/20/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/088,428

Projected Publication Date: 10/06/2005

Non-Publication Request: No

Early Publication Request: No

Title

Low-emission formaldehyde donor preparations

Preliminary Class

430

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

GRANTED

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

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject

matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

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Wayne J. Colton, Inc.
The Milam Building, Suite 1032
115 East Travis Street
San Antonio, TX 78205

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AUG 2 1 2008

In re Application of	:	
Rachel Cutler	:	
Application No. 11/088,440	:	DECISION ON PETITION
Filed: March 24, 2005	:	
Attorney Docket No. 1172.1484	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 14, 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 August 14, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 15, 2006. A Notice of Abandonment was mailed on March 13, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment after non-final, (2) the petition fee of $770, and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the petition is being construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the petition.

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

This application is being referred to Technology Center AU 3612 for appropriate action by the Examiner in the normal course of business on the reply received December 14, 2007.

Carl Friedman
Petitions Examiner
Office of Petitions

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WAYNE J COLTON INC
THE MILAM BUILDING SUITE 1032
115 EAST TRAVIS STREET
SAN ANTONIO, TX 78205

Mail Date: 04/21/2010

Applicant	: Rachel Cutler	: DECISION ON REQUEST FOR
Patent Number	: 7628436	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/088,440	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/24/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **458** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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WAYNE J COLTON INC
THE MILAM BUILDING SUITE 1032
115 EAST TRAVIS STREET
SAN ANTONIO, TX 78205

Mail Date: 05/18/2010

Applicant : Rachel Cutler
Patent Number : 7628436
Issue Date : 12/08/2009
Application No : 11/088,440
Filed : 03/24/2005

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **494** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

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

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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

Mail Date: 04/20/2010

Applicant	: Terry Zeigler	: DECISION ON REQUEST FOR
Patent Number	: 7591143	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/088,441	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/24/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **605** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Charles E. Temko, Esq.
22 Marion Road
Westport CT 06880

In re Application of
Mochiachvili et al.
Application No.11/088,453
Filed: March 24, 2005
Attorney Docket No. 28,546-B

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR § 1.47(a), filed March 24, 2005.

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

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR. § 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 CFR. §1.136(a).

The above-identified application was filed on March 24, 2005, without a fully executed oath or declaration.

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

As to item (1), before a refusal can be alleged, applicant must demonstrate a bona fide attempt was made to present a copy of application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor. See MPEP 409.03(d). Where an inventor cannot be located/reached as in the case of inventor Glenn, rule 47 applicant must demonstrate diligent effort was made to find or reach the non-signing inventor. See MPEP 409.03(d).

Instead, rule 47 applicant must demonstrate that diligent effort has been used to locate inventor Glenn. The statements made in the petition do not illustrate "diligent effort" was used to locate the non-signing inventor. It is not sufficient that applicant discovered that inventor Glenn moved to California. Copies of documentary evidence such as internet

searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in a statement of facts. It is important that the statement contain facts as opposed to conclusions. Petitioner should present a signed statement of facts from a person that has first hand knowledge of the diligent efforts made to locate the non-signing inventor. 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. On renewed petition evidence of the internet searches should be provided.

If inventor Glenn's address is located a copy of the application papers (specification, including claims, drawings, and oath or declaration) should be mailed to the inventor's mailing address. A supplemental declaration or an application data sheet pursuant to 37 CFR 1.76 may be required if a new address for inventor Glenn is located.
meet the requirement for diligent effort.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

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

Charlema R. Grant

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

Charles E. Temko, Esq.
22 Marion Road
Westport CT 06880

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OFFICE OF PETITIONS

In re Application of	:	
Mochiachvili et al.	:	
Application No. 11/088,453	:	DECISION REFUSING STATUS
Filed: March 24, 2005	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 28,546-B	:	
Title: Automatic Base-Mounted Container Illuminator	:	

This is in response to the petition filed May 2, 2007, under 37 CFR. §1. 47(a).

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

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 CFR. §1.136(a).

The above-identified application was filed on March 24, 2005, without a fully executed oath or declaration. A petition was dismissed on March 7, 2007.

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

petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition does not satisfy requirement (2).

As to item (2), the declaration submitted does not comply with 37 CFR 1.63. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. See MPEP 201.03. The executed declaration of Glenn fails to include the entire inventive entity. Accordingly a newly executed declaration is required.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
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THOMAS E. SISSON
112 PECAN STREET
SUITE 2400
SAN ANTONIO, TX 78205

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JUL 1 1 2007

OFFICE OF PETITIONS

In re Patent No. 7,105,732	:	
Issue Date: September 12, 2006	:	
Application No. 11/088,458	:	NOTICE
Filed: March 24, 2005	:	
Attorney Docket No. P-3641.0326	:	

This is a notice regarding your request, filed August 29, 2006, 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 file is no longer entitled to small entity status. Accordingly, all future fees paid in this file must be paid at the large entity rate, absent further notification from a proper party of a change in status. *See* 37 CFR 1.27(c)(2).

Inquiries related to this communication should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

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MERCHANT & GOULD PC
ATTENTION OF KAREN A. FITZSIMMONS
P O BOX 2903
MINNEAPOLIS, MN 55402-0903

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AUG 14 2006

OFFICE OF PETITIONS

In re Application of	:	
Robert Kenny et al	:	
Application No. 11/088,471	:	DECISION GRANTING PETITION
Filed: March 24, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2316.1888USC2	:	

This is a decision on the petition, filed August 10, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 1, 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 2831 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission), which includes the following language thereon: "The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee in the application identified above. Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).*

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ATTENTION OF KAREN A. FITZSIMMONS
MERCHANT & GOULD PC
P O BOX 2903
MINNEAPOLIS, MN 55402-0903

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FEB 09 2007

OFFICE OF PETITIONS

In re Application of Robert Kenny et al Application No. 11/088,471 Filed: March 24, 2005 Attorney Docket No. 2316.1888USC2	DECISION GRANTING PETITION UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition, filed February 8, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 2, 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 2831 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

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

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/088,486	03/24/2005	George Henry Lockwood	7946/84619

FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

DATE MAILED: October 20, 2006

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of/ express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d) filed on September 11, 2006, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

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

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Barbara J. Debnam
Pre-Grant Publication Division

UNITED STATES PATENT AND TRADEMARK OFFICE

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USDA, ARS, OTT
5601 Sunnyside Avenue
Room 4-1159
Beltsville, MD 20705-5131

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OCT 0 3 2005

OFFICE OF PETITIONS

In re Application of	:	
Peter E. A. Teal, et al.	:	
Application No. 11/088,499	:	DECISION GRANTING
Filed: March 1, 2005	:	PETITION
Attorney Docket No. 0188.03	:	

This is a decision on the petition filed June 13, 2005, requesting that the above-identified application be accorded a filing date of March 1, 2005, rather than the presently accorded date of March 2, 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 March 1, 2005. In support, the petition is accompanied by a copy of Express Mail receipt No. ER9972268435US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of March 1, 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 March 1, 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 **March 1, 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

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MORRISON & FOERSTER LLP
12531 High Bluff Drive
Suite 100
San Diego, CA 92130-2040

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SEP 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Yiqing Zhou, et al.	:	
Application No. 11/088,534	:	DECISION ON PETITION
Filed: March 23, 2005	:	TO WITHDRAW
Attorney Docket No. 300622011700	:	FROM RECORD
	:	

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 22, 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 Kate H. Murashige 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.

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Yiquing Zhou**
3832 Bay Center Place
Hayward, CA 94545

cc: **Lois J. Wille**
Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
Princeton, NJ 08543-4000

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/088,534	03/23/2005	Yiqing Zhou	300622011700

CONFIRMATION NO. 1005

POWER OF ATTORNEY NOTICE

25225
MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

OC000000037997047

Date Mailed: 09/28/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/22/2009.

- 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.

/esmallwood/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/088,535	03/24/2005	Richard Fink	WDS-380	2593

7590 10/18/2007
Wilson Daniel Swayze, Jr
3804 Clearwater Ct.
Plano, TX 75025

EXAMINER
BASEHOAR, ADAM L

ART UNIT	PAPER NUMBER
2178	

MAIL DATE	DELIVERY MODE
10/18/2007	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☒ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☒ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

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

Patent Publication Branch
Office of Data Management

FORM PET650D (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/088,535	03/24/2005	Richard Fink	WDS-380	2593

7590 10/18/2007
Wilson Daniel Swayze, Jr
3804 Clearwater Ct.
Plano, TX 75025

EXAMINER
BASEHOAR, ADAM L

ART UNIT	PAPER NUMBER
2178	

MAIL DATE	DELIVERY MODE
10/18/2007	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

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Adjustment date: 10/22/2007  KKING1
03/29/2005 HTECKLU1 00000033 11088535
02 FC:2111                    -250.00 OP
04 FC:2202                    -325.00 OP
05 FC:2201                    -300.00 OP


Refund Ref:
10/22/2007          0030046060
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Credit Card Refund Total:     $875.00

VISA....: XXXXXXXXXXXX6019
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FORM PET651G (Rev. 08/07)

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MOUNTAIN VIEW, CA 94041

Mail Date: 04/21/2010

Applicant	: Jens Eilstrup Rasmussen	: DECISION ON REQUEST FOR
Patent Number	: 7599790	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/088,542	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1192** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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James D. Shaurette
Wells St. John P.S.
601 West First Avenue, Suite 1300
Spokane, WA 9921-1450

JUN 17 2008

In re Application of Eden et al. :
Application no. 11/088,551 : DECISION ON PETITION
Filed: 24 March 2005 :
Attorney's Docket No. IS9-027 :

This is a decision on the petition filed under 37 C.F.R. §1.181 on 2 October 2006, to invoke the supervisory authority of the Director of the USPTO to review the action of the examiner in the above identified application. The petition is before the Director of Technology Center 2800 for review.

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

> MPEP § 806.04(f) indicates, "Where two or more species are claimed, a requirement for restriction to a single species may be proper if the species are mutually exclusive. < Claims ** to different species **>are mutually exclusive if< one claim recites limitations **>disclosed for< a first species but not * a second, while a second claim recites limitations disclosed only for the second species and not the first. This **>may also be< expressed by saying that >to require restriction between claims limited to species, the< claims ** must not overlap in scope<."

The restriction requirement mailed 1 September 2006 indicated that there were six mutually exclusive species and limitations disclosed in one specie while not being disclosed in the other species. Upon further review of the restriction requirement, it is deemed that the requirement failed to establish the mutual exclusivity of the proposed species and therefore the proposed species are considered not to be mutually exclusive.

The restriction requirement will be vacated and an action on the merits will be forthcoming.

Any inquiry regarding this decision should be directed to Carl Whitehead, Jr., Supervisory Patent Examiner at (571) 272-1702.

Richard Seidel, Director
Technology Center 2800 – Semiconductors, Electrical and Optical Systems and Components

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530 B STREET
SUITE 2100
SAN DIEGO, CA 92101

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FEB 21 2007

OFFICE OF PETITIONS

In re Application of	:	
Juergen Schulte	:	
Application No. 11/088,566	:	DECISION ON PETITION
Filed: March 24, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 110866-ISE20	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the petition under 37 CFR 1.102(c) (2)(ii), filed August 17, 2006, to make the above-identified application special based on the invention materially contributing to the development or conservation of energy resources as set forth in M.P.E.P. § 708.02, Section VI.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(ii) and MPEP § 708.02, Section VI: Energy, must state how the invention materially contributes to (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources. If the disclosure is not clear on its face that the claimed invention materially contributes category (A) or (B), 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. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), hydrogen fuel technologies, nuclear energy, solar energy, etc. Category (B) would include inventions relating to the reduction of energy consumption in combustion systems, industrial equipment, household appliances, etc. No fee is required.

The instant petition, fails to meet the materiality standard of 37 CFR 102(c)(2)(ii). Although the disclosure may be directed to system and method for bypassing failed stacks in a multiple stack fuel cell, 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 conservation of energy resources. While the method of bypassing failed stacks prevents other stacks and the fuel cell from failing, the petition and the specification have not adequately explained how this invention of bypassing failed stacks in a multiple stack fuel cell materially contributes to the discovery or development of energy resources or to the more efficient utilization and conservation of energy resources. The contribution of petitioner's invention, while beneficial to the development or conservation of energy resources, does not rise to the level intended by the rule.

Petitioner's submission fails to meet the criteria set out with respect to materially enhancing the quality of the environment by contributing to the restoration or maintenance of basic life-sustaining natural elements as set forth in MPEP § 708.02, Section V. The specification and claims as originally filed indicate the invention is directed to a method of bypassing failed stacks within a fuel cell. However, the instant petition fails to meet the materiality standard of 37 CFR 1.102(c)(2)(i). Although the invention may be directed to a fuel cell, the materiality standard of the rule has not been met, i.e., petitioner has failed to state how the claimed invention of bypassing failed stacks within a fuel cell contributes in a significant, substantial, or noticeable manner to the maintenance of basic life-sustaining natural elements. As a result, a material contribution to the restoration or maintenance of basic life-sustaining natural elements has not been persuasively shown.

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

By FAX: (571) 273-8300

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

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

The application is being forwarded to the Technology Center Art Unit 1745 for action in its regular turn.

Denise Pothier
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

ROBERTS, MLOTKOWSKI & HOBBES
P. O. BOX 10064
MCLEAN VA 22102-8064

In re Application of Gert Blankenstein et al. Application No. 11/008,573 Filed: December 10, 2004 Attorney Docket No. 740116-550 Title: SAMPLING MEANS AND SYSTEM FOR TESTING A SAMPLE LIQUID	DECISION ON RENEWED PETITION UNDER 37 C.F.R. §1.181

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

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed January 27, 2006, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue or publication fees[1]. On April 27, 2006, form PTOL-85b was submitted, however when an attempt was made to charge these fees, the Deposit Account contained insufficient funds - only the issue fee could be charged. Accordingly, the above-identified application became abandoned on April 28, 2006. A Notice of Abandonment was mailed on September 20, 2006.

The original petition, filed on October 19, 2006, was dismissed via the mailing of a decision on November 20, 2006.

With this renewed petition, Petitioner has established that the Deposit Account contained adequate funds on April 27, 2006.

1 See MPEP §710.02(e).

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

The publication fee has been charged to Petitioner's Deposit Account.

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) 272-3225[2]. All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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SEP 29 2008

OFFICE OF PETITIONS

In re Application of	:	
Cem GOKHAN	:	
Application No. 11/088,579	:	DECISION ON PETITION
Filed: March 23, 2005	:	TO WITHDRAW
Attorney Docket No. 12046A-032310US	:	FROM RECORD
	:	

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 4, 2008.

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

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP, has been revoked by the assignee of the patent application on September 16, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: KING & SPALDING
1000 BRIDGE PARKWAY,
SUITE 100
REDWOOD SHORES, CA 94065

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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King & Spalding LLP
P.O. Box 889
Belmont, CA 94002-0889

Mail Date: 04/28/2010

Applicant	: Cem Gokhan	: DECISION ON REQUEST FOR
Patent Number	: 7632687	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/088,579	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **439** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
333 SOUTH HOPE STREET
48TH FLOOR
LOS ANGELES CA 90071-1448

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APR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
King et al.	:	
Application No. 11/088,581	:	ON PETITION
Filed: March 23, 2005	:	
Attorney Docket No. 19KF-139749	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed January 26, 2009, to revive the above-identified application.

The petition is **GRANTED**.

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

As the Power of Attorney was only recently given to the petitioner, 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 AU 3622 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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5775 MOREHOUSE DR.
SAN DIEGO CA 92121

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OFFICE OF PETITIONS

In re Application of :
Codrescu, et al. :
Application No. 11/088,607 : DECISION ON PETITION
Filed: March 23, 2005 :
Attorney Docket No. 050123 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 3, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned September 11, 2008 for failure to timely pay the issue and publication fees, as required by the Notice of Allowance and Fee(s) Due, mailed June 10, 2008. Notice of Abandonment was mailed October 7, 2008.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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WALL MARJAMA & BILINSKI
101 SOUTH SALINA STREET
SUITE 400
SYRACUSE, NY 13202

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OFFICE OF PETITIONS

In re Application of :
Wang, et al. :
Application No. 11/088,612 :
Filed: March 24, 2005 :
Attorney Docket No. 283-418 :

ON PETITION

This is a decision on the petition under 37 CFR 1.10(c), filed May 16, 2005, which has been treated as a petition under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of March 24, 2005, rather than the presently accorded filing date of March 23, 2005.

The petition is **GRANTED**.

Applicants request the earlier filing date on the basis that the application was purportedly deposited in Express Mail service (Express Mail mailing label no. EV487233404US) on March 24, 2005, pursuant to the requirements of 37 CFR 1.10. However, the Express Mail mailing label identified in the original application papers indicates a "date-in" of March 23, 2005. Applicants allege that the date of mailing indicated by the Express Mail mailing label is a U.S. Postal Service (USPS) error and the correct date of mailing is March 24, 2005.

In support, petitioner notes that the Express Mail label also contains an USPS postmark of March 24, 2005. Furthermore, the petition is accompanied by a copy of the "USPS Track & Confirm Shipment Details" that indicates the item with Express Mail label no. EV487233404US was placed into Express Mail service on March 24, 2005.

In view of the evidence present in the file, it is concluded that the "date-in" indicated on the Express Mail mailing label is incorrect and that the correct date of deposit in Express Mail service is March 24, 2005.

Accordingly, the application is entitled to a filing date of March 24, 2005.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of March 24, 2005 and the mailing of a corrected filing receipt.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
United States Patent and Trademark Office

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1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE
P.O. BOX 3791
ORLANDO, FL 32802-3791

Mail Date: 04/20/2010

Applicant	: Patrick Cerisier	: DECISION ON REQUEST FOR
Patent Number	: 7586996	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/088,616	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/24/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1203** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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
FEB 12 2010

In re Application of :
Edward Ramon Zayas :
Application No.: 11/088,631 : ON PETITION
Filed: March 22, 2005 :
Attorney Docket No.: 67272-8091.US01 :

This is a decision on the petition, filed February 10, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 1, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The application is being referred to Technology Center AU 2423 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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JUL 19 2007

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WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON MA 02109

In re Application of Yang Zhao et al.	:	
Appl. No.: 11/088,633	:	DECISION ON PETITION
Filed: March 24, 2005	:	UNDER 37 C.F.R. § 1.59
Attorney Docket No.: MEMSC-012XX	:	
For: WAFER-LEVEL PACKAGE FOR INTEGRATED	:	
CIRCUITS	:	

This is a decision on the petition under 37 C.F.R. §1.59(b), filed July 1, 2005, to expunge information from the above-identified application. The petition was resubmitted on April 13, 2007 after the mailing of the Notice of Allowance and Fee(s) Due on April 2, 2007.

The petition is GRANTED.

Petitioner asserts that that the Information Disclosure Statement (IDS), filed on July 1, 2005, is proprietary and requests that it be expunged from the record.

The information in question has been determined by the undersigned to not be material to the examination of the instant application.

Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application.

The expunged material, listed as an Artifact in the Image File Wrapper, has been removed from the official file and is being returned with this decision. Note that this material is still listed as an Artifact in the contents of the Image File Wrapper. The information Disclosure Form accompanying the IDS is being removed from the official file record.

Janice Falcone
for Sharon Gibson, TC Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

Enclosure: Proprietary Material submitted July 1, 2005

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JJGJR.: 08-05

Paper No: __

ROZSA LAW GROUP LC
15910 VENTURA BOULEVARD
SUITE 1601
ENCINO CA 91436-2815

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AUG 1 5 2005

OFFICE OF PETITIONS

In re Application of	:	
Doring, et al.	:	
Application No. 11/088,637	:	DECISION ON PETITION
Filing Date: 23 March, 2005	:	
Attorney Docket No. 39140.009	:	

This is a decision on the petition filed on 20 June, 2005, and considered herein under 37 C.F.R. §1.53.

For the reasons set forth below, the instant petition is **DISMISSED**.

BACKGROUND

The instant application was deposited on 23 March, 2005.

On 25 April, 2005, the Office mailed a Notice of Missing Parts, stating therein: "An application number and filing date have been accorded to this application[,]" but requiring the submission of a fully executed oath/declaration, the late-submission surcharge and corrected drawings. The Notice indicated the above-referenced application number and filing date.

On 20 June, 2005, Petitioner filed a reply to the Notice and further filed the instant petition seeking a filing date of 23 March, 2005.

As indicated above, the Office previously Noticed Petitioner as to that event.

Therefore, the instant petition was unnecessary.

CONCLUSION

Therefore, the instant petition is **dismissed as moot**; the petition fee is not refunded because the petition was not prompted by and did not result from Office error

This file (Image File Wrapper (IFW)) is released to OIPE for further processing as necessary before being forwarded 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 06/03/07

TO SPE OF : ART UNIT 2855

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/088666 Patent No. 7174790**

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

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

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

Angela Green
Certificates of Correction Branch
703.308.9380 ext. 123

Thank You For Your Assistance

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

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

Comments: _____

SPE

2855
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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/088,667	03/24/2005	I. Fraser Pickersgill	MPI04-044P1RM	1223

30405 7590 10/29/2008
MILLENNIUM PHARMACEUTICALS, INC.
40 Landsdowne Street
CAMBRIDGE, MA 02139

EXAMINER
SHIAO, REI TSANG

ART UNIT	PAPER NUMBER
1626	

MAIL DATE	DELIVERY MODE
10/29/2008	PAPER

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

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

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P.O. Box 1450
Alexandria, VA 22313-1450
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MILLENNIUM PHARMACEUTICALS, INC.
40 Landsdowne Street
CAMBRIDGE MA 02139

OCT 2 9 2008

In re Application of:
Pickersgill et al.
Serial No.: 11/088,667
Filed: March 24, 2005
Attorney Docket No.: **MPI04-044P1RM**

DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This is in response to applicants' petition under 37 CFR. § 1.181(a) and MPEP 711.03(c) filed on September 8, 2008, requesting withdrawal of the holding of abandonment of the above-identified application based on non-receipt of an Office action and to restore the application to a pending status.

A review of the file history shows that the Office mailed a first Office action, setting a three-month statutory time period for reply, to applicants on February 14, 2008. On August 27, 2008, the examiner mailed a notice of abandonment for failure to respond to the outstanding Office action.

Applicants state that the Office action of February 14, 2008 was never received and provides as evidence thereof a copy of the attorney docket report where the Office action would have been entered if received, showing non-receipt of the Office action. Based on the evidence presented, it is concluded that applicants never received the Office action. In view thereof, the Notice of Abandonment mailed August 27, 2008, is vacated and the application is restored to pending status with the mailing date of this decision.

Applicants' petition is **GRANTED**. The application will be forwarded to the examiner for prompt mailing of a new Office action.

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

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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

Paper No. None

FORTKORT GRETHER + KELTON LLP
8911 N. CAPITAL OF TEXAS HWY.
SUITE 3200
AUSTIN TX 78759

COPY MAILED

SEP 16 2005

OFFICE OF PETITIONS

In re Application Of:
David B. Carolan and Maria Isbell
Application No. 11/088,669
Filed: March 24, 2005
Attorney Docket No. UPUB003US0
Title: METHOD AND SYSTEM FOR PROCESSING DATA RELATED TO HOME AND APARTMENT SALES AND RENTALS FOR PRVIDING COMBINED AND NORMALIZED RESIDENTIAL DATA INCLUDING HOME AND APARTMENT SALES AND RENTALS

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

This is in response to the petition under 37 C.F.R. §1.47(b)[1], filed August 26, 2005.

The above-identified application was filed March 24, 2005, without an executed oath or declaration and identifying David B. Carolan and Maria Isbell as the joint inventors. On April 28, 2005, Applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration in compliance with 37 CFR §1.63 and the surcharge for the late filing of the oath or declaration, along with the basic filing fee and the application search and examination fees. The notice set a two-month period for reply.

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

(1) The petition fee;
(2) a surcharge if the petition was not filed at the time of filing of the application;
(3) a statement of the last known address of each of the non-signing inventors;
(4) proof that a copy of the application was sent or given to each of the non-signing inventors for review;
(5) proof that each of the non-signing inventors refused to sign;
(6) proof that the Rule 47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application;
(7) proof of irreparable damage, and;
(8) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 and 37 CFR §1.63.

In reply, applicant filed the instant petition, along with the associated fee, the surcharge for the late filing of the oath or declaration, the basic filing fee, the application search and examination fees, and a two-month extension of time to make timely this response. Petitioner has further included a declaration which has been executed by a registered practitioner.

Petitioner has met requirements (1) - (7) above. Petitioner has submitted the last known addresses of both inventors, proof that a complete copy of the application was provided to each of them, proof that each has refused to sign, and the appropriate statement under 37 C.F.R. §3.73(b).

MPEP 409.03(b) sets forth, in part:

(A) The 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.64 or 1.175. Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation (emphasis added) Where the oath or declaration is being signed on behalf of an assignee, see MPEP § 324. An inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. Staeger v. Commissioner, 189 USPQ 272 (D.D.C. 1976), In re Striker, 182 USPQ 507 (Comm"r Pat. 1973). Where an application is executed by one other than the inventor, the declaration required by 37 CFR 1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor. Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(b).

(B) The 37 CFR 1.47(b) applicant must state his or her relationship to the inventor (emphasis added) as required by 37 CFR 1.64.

The declaration has been executed by the attorney who submitted this petition, and the assignment information submitted with this petition makes it clear that these inventors assigned their rights in the invention to entity by the name of Update Publications LP (Update). However, Petitioner has not submitted proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer of Update, the attorney has not indicated that he is authorized to sign on behalf of Update, and although it is presumed that the attorney is acting on behalf of Update, he must establish his relationship to the inventor on renewed petition.

For these reasons, the petition under 37 C.F.R. 1.47(b) 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(b)." This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition under 37 C.F.R. §1.47(a) should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski.

Any renewed petition may be submitted by mail[2], hand-delivery[3], or facsimile[4].

---

2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450,

The application file will be retained in the Office of Petitions for two (2) months.

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

Alexandria, VA, 22313-1450.
3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
4 (571) 273-8300- please note this is a central facsimile number.

UNITED STATES 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

FORTKORT GRETHER + KELTON LLP
8911 N. CAPITAL OF TEXAS HWY.
SUITE 3200
AUSTIN TX 78759

COPY MAILED

OCT 24 2005

OFFICE OF PETITIONS

In re Application of
David B. Carolan and Maria Isbell
Application No. 11/088,669
Filed: March 25, 2005
Attorney Docket Number: UPUB003US0
Title: METHOD AND SYSTEM FOR PROCESSING DATA RELATED TO HOME AND APARTMENT SALES AND RENTALS FOR PRVIDING COMBINED AND NORMALIZED RESIDENTIAL DATA INCLUDING HOME AND APARTMENT SALES AND RENTALS

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

This is in response to the renewed petition under 37 C.F.R. §1.47(a), filed October 11, 2005.

On March 25, 2005, the application was deposited, identifying David B. Carolan and Maria Isbell as joint inventors. An executed oath or declaration was not included on filing. On April 28, 2005, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration, the associated surcharge, the basic filing fees, and the application search and examination fees were required. This Notice set a two-month period for reply.

The original petition was submitted on August 26, 2005, and was dismissed via the mailing of a decision on September 16, 2005 for failure to establish proof of the attorney's authority.

With this renewed petition, proof of the attorney's authority has been established. However, it has recently been noted by the undersigned that the last known address which has been given for each of the inventors is "12400 Highway 71 West, Suite 350, Austin, Texas, 78738." On the

declaration however, both the residential address and the post office address are listed as "3300 Adelanto Court, Austin, Texas, 78738."

As such, the petitioner has filed papers containing conflicting statements as to where the non-signing inventors normally receives their mail.

This discrepancy must be cleared up on renewed petition. If the last known address is correct, the declaration does not comply with 37 C.F.R. §1.63, and a new declaration will be required. If the statement of the last known address is incorrect, no new declaration need be submitted.

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 "Second 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, and may be submitted by mail[1], hand-delivery[2], or facsimile[3].

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.

Notice regarding fees:

Historically the fees that the USPTO charges for doing business increase at the beginning of each fiscal year (October 1). Please be advised that applicants should monitor the USPTO website for future updates whenever any necessary money is sent[4].

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

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

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ALEXANDRIA, VA 22313-1450
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Paper No. None

FORTKORT GRETHER + KELTON LLP
8911 N. CAPITAL OF TEXAS HWY.
SUITE 3200
AUSTIN TX 78759

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NOV 18 2005

OFFICE OF PETITIONS

In re Application of
David B. Carolan and Maria Isbell
Application No. 11/088,669
Filed: March 25, 2005
Attorney Docket Number: UPUB003US0
Title: METHOD AND SYSTEM FOR PROCESSING DATA RELATED TO HOME AND APARTMENT SALES AND RENTALS FOR PRVIDING COMBINED AND NORMALIZED RESIDENTIAL DATA INCLUDING HOME AND APARTMENT SALES AND RENTALS

DECISION ON SECOND RENEWED PETITION UNDER 37 C.F.R. §1.47(b)

This is in response to the second renewed petition under 37 C.F.R. §1.47(a), filed November 9, 2005.

On March 25, 2005, the application was deposited, identifying David B. Carolan and Maria Isbell as joint inventors. An executed oath or declaration was not included on filing. On April 28, 2005, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration, the associated surcharge, the basic filing fees, and the application search and examination fees were required. This Notice set a two-month period for reply.

The original petition was submitted on August 26, 2005, and was dismissed via the mailing of a decision on September 16, 2005 for failure to establish proof of the attorney's authority.

The renewed petition was filed on October 11, 2005, and proof of the attorney's authority was established with this filing. The renewed petition was dismissed however, via the mailing of

a decision on October 24, 2005, due to an apparent discrepancy between the declaration and the statement of the last known addresses for the two non-signing inventors.

With this second renewed petition, this discrepancy has been corrected.

Therefore, the 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

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FORTKORT & HOUSTON P.C.
9442 N. CAPITAL OF TEXAS HIGHWAY
ARBORETUM PLAZA ONE, SUITE 500
AUSTIN, TX 78759

COPY MAILED

FEB 15 2008

In re Application of	:	
David B. CAROLAN, et al	:	
Application No. 11/088,669	:	DECISION ON PETITION
Filed: March 24, 2005	:	TO WITHDRAW
Attorney Docket No. UPUB003US0	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 8, 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 A. Fortkort on behalf of all attorneys/agents of record who are associated with customer No. 58293.

All attorneys/agents of record associated with Customer Number 58293 have been withdrawn.

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

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

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: UPDATE PUBLICATIONS LP
12400 HWY. 71 WEST, SUITE 350
AUSTIN, TX 78738

MR. JOHN L. NEEDHAM
RIVERSIDE RESOURCES
100 CONGRESS AVENUE
AUSTIN, TX 78701

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
11/088,669	03/24/2005	David B. Carolan	UPUB003US0

CONFIRMATION NO. 7719

POWER OF ATTORNEY NOTICE

58293
FORTKORT & HOUSTON P.C.
9442 N. CAPITAL OF TEXAS HIGHWAY
ARBORETUM PLAZA ONE, SUITE 500
AUSTIN, TX 78759

OC000000027970917

Date Mailed: 02/15/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/08/2007.

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

/dcgoodwyn/

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

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FORTKORT GRETHER + KELTON LLP
8911 N. CAPITAL OF TEXAS HWY.
SUITE 3200
AUSTIN TX 78759

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SEP 14 2005

OFFICE OF PETITIONS

In re Application of
Carolan et al.
Application No. 11/088,670
Filed: March 24, 2005
Attorney Docket Number: UPUB005US0

Title of Invention: Method and System for Forming and Maintaining Community Relationships to Facilitate Collecting, Processing and Providing Primary and Secondary Data

DECISION REFUSING STATUS UNDER 37 C.F.R. §1.47(b)

This is in response to the petition under 37 C.F.R. §1.47(b), filed August 26, 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 C.F.R. §1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 C.F.R. §1.136(a).

The above-identified application was filed on March 24, 2005, without a declaration executed by the inventors Carolan and Isbell. A Notice to File Missing Parts was mailed on April 28, 2005 providing applicant with an extendable two month period for reply. A two month extension of time and accompanying fee were submitted with the petition.

A grantable petition under 37 C.F.R. §1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration; (2) an acceptable oath or declaration; (3) the petition fee; (4) a statement of last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) a showing that such action is necessary to preserve the rights of parties or to prevent irreparable damage. Rule 47 applicant has failed to provide item (2).

As to item (2), applicant failed to submit a properly executed oath or declaration with

the petition. In addition to including the non-signing inventor's information, the granting of 47 status requires a rule 47 (b) applicant to make the oath required by 37 CFR §1.63 and §1.64. Where applicant is a corporation, an officer of the corporation normally is required to sign the oath or declaration. The declaration must state the full name, residence, post office address, and citizenship of the non-signing inventor. The title or position of the person signing must also be stated if signing on behalf of a corporation under 37 CFR §1.47(b). See MPEP 409.03(b). A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Mail Stop Petition Randolph Building 401 Dulany Street Alexandria, VA 22314

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FORTKORT GRETHER + KELTON LLP
8911 N. CAPITAL OF TEXAS HWY.
SUITE 3200
AUSTIN TX 78759

In re Application of
David A. Carolan and Maria Isbell
Application No. 11/088,670
Filed: March 24, 2005
Attorney Docket Number: UPUB005US0

Title of Invention: Method and System for Forming and Maintaining Community Relationships to Facilitate Collecting, Processing and Providing Primary and Secondary Data

DECISION ACCORDING STATUS UNDER 37 C.F.R. §1.47(b)

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OCT 26 2005

OFFICE OF PETITIONS

This is in response to the renewed petition for status under 37 C.F.R. §1.47(b), filed September 28, 2005.

The petition is **GRANTED**.

Applicant has satisfied the requirements of §1.47(b)[1]. Applicant, by declaration of persons with first hand knowledge and documentary evidence, demonstrated that the non-signing inventor has refused to sign the declaration. This declaration has been reviewed and is found in compliance with 1.63 and 1.64. Applicant paid the petition fee and included a statement of the non-signing inventor's last known address in the petition. Proprietary interest in the application has been established.

This application is hereby accorded Rule 1.47(b) status.

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

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

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

---

[1] A grantable petition under 37 C.F.R. §1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration; (2) an acceptable oath or declaration; (3) the petition fee; (4) a statement of last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) proof of irreparable damage.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FORTKORT & HOUSTON PC
9442 N. CAPITAL OF TEXAS HIGHWAY
ARBORETUM PLAZA ONE, SUITE 500
AUSTIN, TX 78759

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JUL 0 8 2008

OFFICE OF PETITIONS

In re Application of	:	
David B Carolan, et al.	:	
Application No. 11/088,670	:	DECISION ON PETITION
Filed: March 24, 2005	:	TO WITHDRAW
Attorney Docket No. UPUB005US0	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 8, 2007 and June 2, 2008.

The request is **APPROVED**.

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

The request was signed by John A. Fortkort on behalf of all attorneys of record who are associated with this application.

All attorneys/agents associated with this application have been withdrawn.

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

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

There are no pending Office actions at the present time.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: UPDATE PUBLICATIONS LP
12400 HWY. 71 WEST
SUITE 350
AUSTIN, TX 78738

cc: MR. JOHN L. NEEDHAM
RIVERSIDE RESOURCES
100 CONGRESS AVENUE
AUSTIN, TX 78701

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
11/088,670	03/24/2005	David B. Carolan	UPUB005US0

CONFIRMATION NO. 7717

POWER OF ATTORNEY NOTICE

58293
FORTKORT & HOUSTON P.C.
9442 N. CAPITAL OF TEXAS HIGHWAY
ARBORETUM PLAZA ONE, SUITE 500
AUSTIN, TX 78759

OC000000030706917

Date Mailed: 06/27/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/08/2007.

- 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROGER PITT
KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP
599 LEXINGTON AVENUE
33RD FLOOR
NEW YORK NY 10022-6030

COPY MAILED

AUG 2 1 2006

OFFICE OF PETITIONS

In re Application of	:	
Spongberg	:	
Application No. 11/088,688	:	DECISION ON PETITION
Filed: March 24, 2005	:	TO WITHDRAW
Attorney Docket No. SPONGBERGERS5	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 24, 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 attached copy of written instructions from an officer of the assignee", does not meet any the conditions set forth in 37 CFR 10.40.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary

evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).
All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

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

David Bucel
Petitions Examiner
Office of Petitions

cc: Anthony H. Handal, ESQ
Brown,Rudnick,Berlack & Israels, LLP
Seven Times Square
New York, NY 10036

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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FORTKORT GRETHER + KELTON LLP
8911 N. CAPITAL OF TEXAS HWY.
SUITE 3200
AUSTIN, TX 78759

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SEP 16 2005

OFFICE OF PETITIONS

In re Application of:	:	
David B. Carolan and Maria Isbell	:	
Application No. 11/088,689	:	DECISION
Filed: March 24, 2005	:	PETITION UNDER
Attorney Docket No.:	:	37 CFR 1.47(b)
UPUB001US0	:	

This is in response to the Petition Under 37 CFR 1.47(b), to allow a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, to make application on behalf of and as agent for all inventors.

The petition is **dismissed**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)", and should 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 March 24, 2005, without an oath or declaration. This Office mailed a Notice to File Missing Parts of Nonprovisional Application (hereinafter "Notice") on April 28, 2005, requiring, *inter alia*, a properly signed oath or declaration and a late filing fee, oath or declaration and surcharge.

In response to the Notice, Applicant files the instant petition and oath/declaration, and has included as the last known address of both inventors, 12400 Highway 71 West, Suite 350, Austin, TX 78738.

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(s); (5) proof of proprietary interest; and (6) proof of irreparable harm.

As to item (4), Applicant has failed to provide the last known address of the nonsigning inventors. As provided in MPEP 409.03(e), Statement of Last Known Address, An application filed pursuant to 37 CFR 1.47 must state the last known address of the nonsigning inventor. That address should be the last known address at which the inventor customarily receives mail. See MPEP § 605.03. Ordinarily, the last known address will be the last known residence of the nonsigning inventor.

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

By mail: Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

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

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

Derek L. Woods
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FORTKORT GRETHER + KELTON LLP
8911 N. CAPITAL OF TEXAS HWY.
SUITE 3200
AUSTIN, TX 78759

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OCT 24 2005

OFFICE OF PETITIONS

In re Application of:	:	
David B. Carolan and Maria Isbell	:	
Application No. 11/088,689	:	DECISION GRANTING
Filed: March 24, 2005	:	PETITION UNDER
Attorney Docket No.: UPUB001US0	:	37 CFR 1.47(b)

This is in response to the Petition Under 37 CFR 1.47(b), to allow a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, to make application on behalf of and as agent for all inventors.

The petition is **granted**.

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

Petitioner has shown that the non-signing inventors, David B. Carolan and Maria Isbell, refuse to join in the application.

As provided in Rule 1.47(b), 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.

The application file is being referred to the Office of Initial Patent Examination for continued processing in due course.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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DAVID B. CAROLAN
3300 ADELANTO COURT
AUSTIN, TX 78738

COPY MAILED

OCT 24 2005

OFFICE OF PETITIONS

In re Application of:	:	
David B. Carolan and Maria Isbell	:	
Application No. 11/088,689	:	LETTER
Filed: March 24, 2005	:	
Attorney Docket No.: UPUB001US0	:	

Dear Mr. Carolan:

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 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Attorney
Office of Petitions

cc: FORTKORT GRETHER + KELTON LLP
8911 N. CAPITAL OF TEXAS HWY.
SUITE 3200
AUSTIN, TX 78759

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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MARIA ISBELL
3300 ADELANTO COURT
AUSTIN, TX 78738

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OCT 24 2005

OFFICE OF PETITIONS

In re Application of:	:	
David B. Carolan and Maria Isbell	:	
Application No. 11/088,689	:	LETTER
Filed: March 24, 2005	:	
Attorney Docket No.: UPUB001US0	:	

Dear Ms. Isbell:

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 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Attorney
Office of Petitions

cc: FORTKORT GRETHER + KELTON LLP
8911 N. CAPITAL OF TEXAS HWY.
SUITE 3200
AUSTIN, TX 78759

UNITED STATES PATENT AND TRADEMARK OFFICE

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ARBORETUM PLAZA ONE, SUITE 500
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SEP 14 2007

OFFICE OF PETITIONS

In re Application of

CAROLAN, David B. et al.
Application No. 11/088,689
Filed: March 24, 2005
Attorney Docket No. **UPUB001US0**

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 08, 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 Fortkort 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 July 17, 2007 that requires a reply from the applicant.

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **JOHN A. FORTKORT**
3300 ADELANTO COURT
AUSTIN, TX 78738

cc: **JOHN L. NEEDHAM**
RIVERSIDE RESOURCES
100 CONGRESS AVENUE
AUSTIN, TX 78701

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OCT 11 2007
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SEP 14 2007

OFFICE OF PETITIONS

In re Application of

CAROLAN, David B. et al.
Application No. 11/088,689
Filed: March 24, 2005
Attorney Docket No. **UPUB001US0**

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 08, 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 Fortkort 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 July 17, 2007 that requires a reply from the applicant.

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **JOHN A. FORTKORT**
3300 ADELANTO COURT
AUSTIN, TX 78738

cc: **JOHN L. NEEDHAM**
RIVERSIDE RESOURCES
100 CONGRESS AVENUE
AUSTIN, TX 78701

UNITED STATES 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.

CHRISTENSEN, O'CONNOR,
JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE WA 98101-2347

COPY MAILED

APR 16 2007

OFFICE OF PETITIONS

In re Application of	:	
Wood et al.	:	DECISION ON PETITION
Application No. 11/088,708	:	
Filed: March 23, 2005	:	
Atty Docket No. TUTH124799	:	

This is a decision on the PETITION TO CHANGE ORDER OF INVENTORS' NAMES - JOINT INVENTORS filed July 28, 2005.

The petition is **GRANTED**.

The order of the names of the inventors has been changed as follows:

1. Gregory P. Wood
2. Phillip V. Cortez
3. Michael A. Citro

A filing receipt reflecting this change is enclosed.

The petition included a check in the amount of $130. The petition fee is $400. The deficiency of $270 has been charged to Deposit Account No. 03-1740, as authorized.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/088,708	03/23/2005	3748	1200	TUTH124799	16	4

CONFIRMATION NO. 9284

CORRECTED FILING RECEIPT

OC000000023392066

26389
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

Date Mailed: 04/16/2007

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

Applicant(s)

Gregory P. Wood, Vacaville, CA;
Phillip V. Cortez, Concord, CA;
Michael A. Citro, Oakley, CA;

Assignment For Published Patent Application

Tuthill Corporation, Burr Ridge, IL

Power of Attorney: The patent practitioners associated with Customer Number **26389**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/556,279 03/25/2004

Foreign Applications

If Required, Foreign Filing License Granted: 04/21/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/088,708

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Rotary vane pump

Preliminary Class

418

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

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THOMAS A. BLINKA
COOLEY GODWARD KRONISH LLP
777 6th STREET NW, SUITE 1100
WASHINGTON DC 20001

MAILED

JUN 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Vigh et al.	:	DECISION ON PETITION
Application No. 11/088,797	:	TO WITHDRAW
Filed: March 25, 2005	:	FROM RECORD
Attorney Docket No. 063373-5033-01	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed March 30, 2009, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is DISMISSED.

A review of the file record indicates that Thomas A. Blinka and those attorneys associated with Customer No. 58249 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.

The request to change the correspondence address of record is not accepted in view of Mr. Blinka not having power of attorney. Therefore, all future communications from the Office will continue to be directed solely to the address of record.

Currently, there is an outstanding Office action mailed December 31, 2008 that requires a reply.

Telephone inquires concerning this decision should be directed to Petitions Examiner Joan Olszewski at 571-272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Morgan Lewis & Bockius LLP
1111 Pennsylvania Avenue NW
Washington DC 20004

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GOWLING, LAFLEUR HENDERSON LLP
ONE MAIN STREET WEST
HAMILTON ON L8P 4Z5 CA CANADA

In re Application of	:	
Edmonson et al.	:	DECISION ON PETITION
Application No. 11/088,809	:	TO MAKE SPECIAL
Filed: March 25, 2005	:	37 CFR 1.102(c)
Attorney Docket No. H311207US	:	

This is a decision on the petition under 37 CFR 1.102(c)(2)(iii), filed July 22, 2005, to make the above-identified application special based on the invention materially contributing to countering terrorism as set forth in M.P.E.P. § 708.02, Section XI.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(iii) and MPEP § 708.02, Section XI: Inventions for Countering Terrorism, should state that special status is sought because the invention materially contributes to countering terrorism. International terrorism as defined in 18 U.S.C. 2331 includes:

> activities that - (A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; [and] (B) appear to be intended - (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnapping...

If the disclosure it not clear on its face that the claimed invention is materially directed to countering terrorism, the petition must be accompanied by a statement by the applicant, assignee or a registered attorney/agent explaining how the materiality standard is met. The types of technology for countering terrorism could include, but are not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems. No fee is required.

The USPTO's final rule amending 37 CFR 1.102(c)(2) states:

> The materially 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 counter terrorism. Nor does such standard permit an applicant to enjoy the benefit of advance examination merely because some minor aspect of the claimed invention may be directed to countering terrorism...[Response to Comment 65] applicants should not expect to have their petitions granted without a clear demonstration that the claimed invention is materially related to countering terrorism. 69 Fed. Reg. 56511 (Sept. 21, 2004)

Petitioner's submission fails to meet the criteria set out with respect to countering terrorism in MPEP § 708.02(XI). The specification and claims as originally filed provide no indication of an intention to counter terrorism by enabling "detection of low vapor pressure chemical molecules such as bacteria, cocaine and explosives." The disclosure failed to indicate countering terrorism. Further steps would be required to actually offset or nullify terrorism, yet no suggestion of "countering terrorism" is found in the disclosure. As a result, no advancement in the technology of countering terrorism has been persuasively shown.

Since no petition fee is required for a petition under 37 CFR 1.102(c)(2)(iii), the $130.00 submitted with the instant petition will be credited to petitioner's deposit account as authorized.

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 Petitions Examiner Liana Chase at 571-272-3206.

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

This matter is being referred to the Technology Center Art Unit 2856 for action in its regular turn.

David Bucci
Petitions Examiner
Office of Petitions

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GOWLING LAFLEUR HENDERSON LLP
ONE MAIN STREET WEST
HAMILTON ON L8P 4Z5 CA CANADA

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OCT 1 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Edmonson, et al.	:	
Application No. 11/088,809	:	ON PETITION
Filed: March 25, 2005	:	
Attorney Docket No. H311207US	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed January 30, 2008, and the petition to revive under 37 CFR 1.137(b), filed September 4, 2008.

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 timely file a response to the Notice to File Corrected Application Papers, mailed September 13, 2007. This Notice set a sixty (60) day non-extendable period to submit a replacement drawing Figure 4. No drawing having been received, the application became abandoned on November 14, 2007. A Notice of Abandonment was mailed on December 20, 2007.

Petitioner contends that he did timely file a corrected drawing. In support, petitioner has included a copy of a postcard receipt dated October 1, 2007, identifying the instant application, and itemizing "DRAWINGS AS AMENDED".

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

In view thereof, **THE HOLDING OF ABANDONMENT IS WITHDRAWN.**

Given the basis for granting this petition, consideration of the petition under 37 CFR 1.137(b) is unnecessary, and accordingly that petition is dismissed as moot. The petition fee of $770 is being refunded to petitioner under separate cover.

The matter is being forwarded to the Office of Patent Publication for processing into a patent, using the replacement drawing of Figure 4 shown to have been filed on October 1, 2007 (copy supplied on January 30, 2008).

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

Cliff Congo
Petitions Attorney
Office of Petitions

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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
One Financial Center
BOSTON, MA 02111

Mail Date: 04/21/2010

Applicant	: Gary W. Cleary	: DECISION ON REQUEST FOR
Patent Number	: 7611481	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/088,829	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/24/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **670** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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RABIN & BERDO, P.C.
Suite 500
1101 14th Street, N.W.
Washington, DC 20005

Mail Date: 04/21/2010

Applicant	: Tai-Her Yang	: DECISION ON REQUEST FOR
Patent Number	: 7643105	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/088,854	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/25/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1255** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 04/20/2010

Applicant	: Chih-Min Liu	: DECISION ON REQUEST FOR
Patent Number	: 7639592	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/088,856	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/25/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **673** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Paper No.

MAY 10 2010

OFFICE OF PETITIONS

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

In re Patent No. 7,596,407	: DECISION ON REQUEST
Bouwstra et al.	: FOR
Issue Date: 09/29/2009	: RECONSIDERATION OF
Application No. 11/088,880	: PATENT TERM ADJUSTMENT
Filed: 03/25/2005	: and
Atty Docket No.	: NOTICE OF INTENT TO ISSUE
01975.0071-00000	: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on November 11, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand two hundred twenty-three (1223) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand two hundred twenty-three (1223) 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 Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand two hundred twenty-three (1223)** days.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,596,407 B2

DATED : **September 29, 2009** **DRAFT**

INVENTOR(S) : Bouwstra 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 734 days.

Delete the phrase "by 734 days" and insert – by 1223 days--

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

7+

Paper No.: _____

DATE : December 16, 2006

TO SPE OF : ART UNIT 2881

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/088881 Patent No.: 7,119,347 B2

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

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

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

Elisha Evans

Certificates of Correction Branch

703-308-9390 ext. 110

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

DREW A. DUNN
SUPERVISORY PATENT EXAMINER

SPE

2881
Art Unit

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NIXON PEABODY, LLP
401 9TH STREET NW, SUITE 900
WASHINGTON, DC 20004-2128

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OFFICE OF PETITIONS

In re Application of :
MAKITA, et al. :
Application No. 11/088,888 :
Filed: March 25, 2005 :
Attorney Docket No. **740756-2835** :

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 December 1, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on November 14, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2812 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner
Office of Petitions

---

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

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401 9TH STREET, NW
SUITE 900
WASHINGTON DC 20004-2128

MAILED

JUN 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Naoki Makita, et al.	:	
Application No. 11/088,888	:	DECISION GRANTING PETITION
Filed: March 25, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 740756-2835	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 24, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 4, 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 2812 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.*

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Fujitsu Patent Center
C/O CPA Global
P.O. Box 52050
Minneapolis, MN 55402

Mail Date: 04/21/2010

Applicant	: Mitsugu Kato	: DECISION ON REQUEST FOR
Patent Number	: 7634418	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/088,925	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/25/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1127** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/088,939	03/25/2005	Makoto Kosaki	024016-00118	9438

7590 03/11/2009

ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

EXAMINER
MORAN, RANDAL D

ART UNIT	PAPER NUMBER
2435	

NOTIFICATION DATE	DELIVERY MODE
03/11/2009	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.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 03/10/2009 BPOWELL
03/29/2005 MBELEIE1 00000006 11088939
02 FC:1111 -500.00 OP

Refund Ref:
03/10/2009 0030067499

Credit Card Refund Total: $500.00

Exp..: XXXXXXXXXXX1009

FORM PET651G (Rev. 08/07)

Repln. Ref: 03/10/2009 BPOWELL 0016023100
DA#:012300 Name/Number:11088939
FC: 9204 $500.00 CR

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MATTINGLY, STANGER, MALUR & BRUNDIDGE
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

In re Application of	:	
Hitoshi Miwa et al	:	
Application No. 11/088,945	:	ON PETITION
Filed: March 25, 2005	:	
Attorney Docket No. 501.35478CX26	:	

This is a decision on the petition, filed May 30, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid on May 10, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The examiner of Technology Center AU 2827 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions

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

501.35478CX26
C/B

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MATTINGLY, STANGER, MALUR & BRUNDIDGE
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

In re Application of	:	
Hitoshi Miwa et al	:	
Application No. 11/088,945	:	ON PETITION
Filed: March 25, 2005	:	
Attorney Docket No. 501.35478CX26	:	

This is a decision on the petition, filed May 30, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid on May 10, 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]

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Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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

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Date: 01/31/08

Patent No. : 7286397 B2
Ser. No. : 11/088,945
Inventor(s) : MIWA, HITOSHI
Issued : 10/23/07
Title : **CLOCK SYNCHRONIZED NONVOLATILE MEMORY DEVICE**
Docket No. : **501.35478CX26**

Re: Request for Certificate of Correction

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

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

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

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

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

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

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

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

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

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

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

Lamonte M. Newsome
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 #112 or (703) 308-8309

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

LMN

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OFFICE OF PETITIONS

In re Patent No. 7,286,397	:	
Issue Date: October 23, 2007	:	
Application No. 11/088,945	:	ON PETITION
Filed: March 25, 2005	:	
Attorney Docket No. 501.35478CX26	:	

This is a decision on the petition filed December 7, 2007 and supplemented on February 5, 2008, under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

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

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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Date : April 19, 2007

Patent No. : 7,068,900 B2
Inventor(s) : Croteau, et al.
Issued : Jun. 27, 2006
Title : **MULTI-CLAD DOPED OPTICAL FIBER**
Docket No. : 13195-9US-2

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 37 CFR 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, with a request under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;
B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and
C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.

See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items A and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is denied.

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

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	571-273-8300 ATTN: Office of Petitions

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

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

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

CBN/eme

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P.O. Box 1450
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OGILVY RENAULT LLP
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL QC H3A2Y-3 CA CANADA

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OFFICE OF PETITIONS
ON PETITION

In re Patent No. 7,068,900 :
Issue Date: June 27, 2006 :
Application No. 11/088,946 :
Filed: March 25, 2005 :
Attorney Docket No. 13196-9US-2 IC/MM :

This is a decision on the petition filed May 10, 2007, under 37 CFR 3.81(b)[1] to correct the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is granted.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3208. Any questions concerning the issuance of the 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.

Karen Creasy
Petitions Examiner
Office of Petitions

[1]See Official Gazette of June 22, 2004

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P.O. Box 1450
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DICKSTEIN SHAPIRO LLP
1177 AVENUE OF THE AMERICAS (6TH AVENUE)
NEW YORK, NY 10036-2714

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OFFICE OF PETITIONS

In re Application of :
Hiroshi Naito :
Application No.: 11/088,969 :
Filed: March 24, 2005 :
Attorney Docket No.: X2007.0186 :

ON PETITION

This is a decision on the petition, filed November 3, 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 October 10, 2008, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The application is being referred to Technology Center AU 2892 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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DICKSTEIN SHAPIRO LLP
1177 AVENUE OF THE AMERICAS (6TH AVENUE)
NEW YORK, NY 10036-2714

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OFFICE OF PETITIONS

In re Application of	:	
Hiroshi Naito	:	
Application No.: 11/088,969	:	ON PETITION
Filed: May 23, 2003	:	
Attorney Docket No.: 08204/000S046US0 (10.066)	:	

This is a decision on the petition, filed February 19, 2009, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 2, 2009, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

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

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

The application is being referred to Technology Center AU 2892 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: MICHAEL J. SCHEER
DICKSTEIN SHAPIRO LLP
2049 CENTURY PARK EAST SUITE 700
LOS ANGELES, CA 90067-3109

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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Date Mailed : January 5, 2007

Patent No. :7,144,720
Inventor :Yoshimura et al.
Patent Issued :December 5, 2006
Docket No. :PF613TD2

Re: Request for Certificate of Correction

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

Inspection of the application for the patent reveals, however, that in connection with the alleged error pertaining to Title page, item (54) Title of which applicant has referred; the U.S. Letters Patent with respect to applicants request is considered in accordance with the record in the Patent and Trademark Office. The title as presented is an editing change made in accordance with the style manual for printing.

In view of the foregoing applicants request in this matter is hereby denied. Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 308-9380 ext. 123.

Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 or (703) 308- 9380 Ext. 123

Karen L. Carroll
Human Genome Sciences, Inc
Intellectual Property Dept.
14200 Shady Grove Road
Rockville, Md 20850

CBN/arg

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WILMERHALE / RED HAT, INC.
60 STATE STREET
BOSTON MA 02109

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OFFICE OF PETITIONS

In re Application :
Justin Ross et al. :
Application No. 11/089,017 : DECISION ON APPLICATION
Filed: March 25, 2005 : FOR PATENT TERM ADJUSTMENT
Attorney Docket No. **113715.168US1** :

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT AND REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §§ 1.702-1.705 filed January 15, 2010. Applicant requests that the determination of patent term adjustment be corrected from 523 days to 739 days. Applicant requests this correction in part on the basis that the Office will take in excess of three years to issue this patent and in light of the recent court decision in Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008).

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

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

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

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

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

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

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

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

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

/Kery A. Fries/

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 20090422

DATE : 04/21/09

TO SPE OF : ART UNIT 2885

SUBJECT : Request for Certificate of Correction for Appl. No.: 11089020 Patent No.: 7334907 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: NA

JONG SUK (JAMES) LEE
SUPERVISORY PATENT EXAMINER AU 2885

SPE, AU2885

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1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL QUEBEC H3A2Y-3
CANADA **AIRMAIL**

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OFFICE OF PETITIONS

In re Application of	:	
Kupferberg and Robitaille	:	DECISION REFUSING STATUS
Application No. 11/089,026	:	UNDER 37 CFR 1.47(a)
Filed: March 25, 2005	:	
Attorney Docket No. 12115-15US AD/bns	:	

This is in response to the petition under 37 CFR 1.47(a), filed July 22, 2005. Applicants obtained an extension of time for response within the first month. Therefore, the petition is filed timely.

The petition is **dismissed**.

Applicants are given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a). No additional petition fee is required for filing a Request for Reconsideration.

On March 25, 2005, applicants filed the above-identified application without an executed oath or declaration. On April 22, 2005, the Office mailed a "Notice to File Missing Parts of Nonprovisional Application," stating, *inter alia*, that the declaration was unsigned, and requiring a $130.00 surcharge for its late filing.

In the petition, Alexandra Dauod, a registered patent agent, stated that a Combined Declaration and Power of Attorney document, an assignment and a copy of the application were sent to M.K.Plastics on two occasions for both inventors to review. A copy of the letter addressed to Kupferberg at M.K. Plastics, dated April 1, 2005, accompanies the petition. The letter stated that a copy of the application, Combined Declaration and Power of Attorney document, and an assignment, were enclosed for both inventors' signature. Further, Dauod asserted that copies of the documents for signature were sent to the non-signing inventor, Robitaille, by email on two occasions; however, applicants did not receive any response. Lastly, Dauod indicated that Kupferberg tried to reach Robitaille by telephone at his residence and cellular phone, but failed to contact him.

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

Applicants lack item (1) as set forth above.

As to item (1), it is unclear if Robitaille received a copy of the application papers. A copy of the application papers should be sent to the last known mailing address[1] of the non-signing inventor, or, if the non-signing inventor is represented by counsel, to the address of the non-signing inventor's attorney. MPEP 409.03(d). It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted because such a procedure ensures that the inventor is apprised of the application to which the declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

In the present petition, it appears that applicants mailed a copy of the application papers, a Combined Declaration and Power of Attorney document, and an assignment to Kupferberg at M.K. Plastics for him to obtain Robitaille's signature. However, pursuant to MPEP 409.03(d), applicants should have mailed a complete copy of the application papers and the accompanying documents directly to Robitaille at his last known mailing address. It is unclear if Robitaille customarily received mail at M.K. Plastics. Moreover, applicants attempted to present Robitaille with a copy of the application papers, a Combined Declaration and Power of Attorney document, and an assignment by email. Applicants did not state or provide documentation demonstrating that it was a current email address that Robitaille frequently accessed.

Unless applicants presented Robitaille with a complete copy of the application papers, including the specification, claims and drawings, he could not attest that he has "reviewed and understands the application papers," and therefore, could not sign the declaration that he was given. Thus, applicants failed to show or provide proof that the non-signing inventor refused to sign the declaration. See MPEP 409.03(d).

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

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

---

[1] The last known mailing address is an address at which an inventor **customarily receives his mail**. MPEP 605.03. Ordinarily, the last known address will be the last known residence of the non-signing inventor. MPEP 409.03(e).

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
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By FAX: (571) 273-8300
Attn: Office of Petitions

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

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OGILVY RENAULT LLP
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL QUEBEC H3A2Y-3
CANADA **AIR MAIL**

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NOV 1 8 2005
OFFICE OF PETITIONS

In re Application of	:	
Kupferberg and Robitaille	:	DECISION ACCORDING STATUS
Application No. 11/089,026	:	UNDER 37 CFR 1.47(a)
Filed: March 25, 2005	:	
Attorney Docket No. 12115-15US AD/bns	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed November 10, 2005.

The petition is granted.

Petitioner showed that Marc Robitaille, the non-signing inventor, refused to join in the filing of the above-identified application after having been mailed the application papers. Specifically, Alexandra Daoud, Patent Agent for petitioner, stated she mailed the application papers via registered mail to the last known address of the non-signing inventor; however, he did not respond to the request to sign the declaration. A copy of a document from Canada Post, confirming that the package was delivered to Mr. Robitaille at his last known address, accompanies this petition. Additionally, the document includes an electronic signature from Mr. Robitaille.

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

The matter is being referred to Technology Center Art Unit 2837 for examination in due course.

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

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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Mr. Marc Robitaille
910 Helene Road
Gatineau J8M 1M5, Canada

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NOV 1 8 2005

OFFICE OF PETITIONS

In re Application of	:	
Kupferberg and Robitaille	:	LETTER
Application No. 11/089,026	:	
Filed: March 25, 2005	:	
Attorney Docket No. 12115-15US AD/bns	:	

Dear Mr. Robitaille:

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

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1981 MCGILL COLLEGE AVENUE, SUITE 1600
MONTREAL, QUEBEC, CANADA H3A 2Y3

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OFFICE OF PETITIONS

In re Application of	:	
Minel Kupferberg et al	:	
Application No. 11/089,026	:	DECISION ON PETITION
Filed: March 25, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 12115-15US AD/bns	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 20, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of Inventor Minel Kupferberg's passport showing that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3749 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

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Morrison & Foerster, LLP
1650 Tysons Boulevard
Suite 400
Mclean, VA 22102

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JUN 25 2007

OFFICE OF PETITIONS

In re Application of	:	
Stefan Dietrich et al.	:	
Application No. 11/089,039	:	DECISION ON PETITION
Filed: March 25, 2005	:	TO WITHDRAW
Attorney Docket No. 543822013600	:	FROM RECORD
	:	

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

The request is **APPROVED**.

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

The request was signed by Deborah S. Gladstein on behalf of all attorneys of record who are associated with customer No. 25227. All attorneys/agents associated with the Customer Number 25227 have been withdrawn.

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

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to the first signing inventor. A courtesy copy of this decision will be mailed to the address noted on the request to withdraw. If the attorneys associated with this firm desire to receive future correspondence regarding this application, the proper power of attorney documents must be submitted.

There are no outstanding office actions at this time.

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

for Frances Hicks
Petitions Examiner
Office of Petitions

cc: Stefan Dietrich
Sudetenstrabe 10
Türkenfeld, Germany D-82299

cc: Eschweiler & Associates
National City Bank Building
629 Euclid Avenue, Suite 1000
Cleveland, OH 44114

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/089,039	03/25/2005	Stefan Dietrich	543822013600

CONFIRMATION NO. 8039

OC000000024498474

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

Date Mailed: 06/22/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/13/2007.

- 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.

Kimberly Brabinet

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

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KENNAMETAL INC.
P.O. BOX 231
1600 TECHNOLOGY WAY
LATROBE PA 15650

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OFFICE OF PETITIONS

In re Application of	:	
Thiele et al.	:	
Application No. 11/089,041	:	DECISION ON PETITION
Filed: 03/25/2005	:	
Attorney Docket No. K-1957D	:	

This is a decision on the petition under 37 CFR 1.181, filed October 30, 2007, to withdraw the holding of abandonment for the above-identified application.

On April 20, 2006, the Office mailed a non-final Office action, which set three-month shortened statutory period for reply. On September 4, 2007, the Office mailed a Notice of Abandonment, indicating the application was abandoned because no reply was received.

In the present petition, petitioners assert that they filed a timely and proper response to the Office action in the form of a Terminal Disclaimer (and fee), accompanied by a request for an extension of time for response within the second month (and fee). Therefore, petitioners aver that the Notice of Abandonment was mailed in error and that the Office should withdraw the holding of abandonment.

Upon reviewing the record, the Office concurs that petitioners filed a timely and proper reply with a request for an extension of time for response within the second month on September 21, 2006 (certificate of mailing dated September 18, 2006). These documents were received by the USPTO on September 21, 2006, including a certificate of mailing of September 18, 2006, as evidenced by the Image File Wrapper for this application.

Accordingly, the petition under 37 CFR 1.181 is **granted**. The holding of abandonment is hereby withdrawn. The application is restored to pending status, as the reply was filed timely.

The Terminal Disclaimer has been approved and entered in the record.

The matter is being referred to Technology Center Art Unit 3722 for a review of the reply filed on September 21, 2006 (certificate of mailing dated September 18, 2006).

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

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OFFICE OF PETITIONS

In re Patent No. 7,395,477	:	
Issue Date: July 1, 2008	:	
Application No. 11/089,053	:	ON PETITION
Filed: March 24, 2005	:	
Attorney Docket No. 02008/231001	:	

This is a decision on the petition filed September 10, 2008, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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

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FOX ROTHSCHILD LLP
2000 MARKET STREET, 10th Floor
PHILADELPHIA, PA 19103

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MAR 03 2009

OFFICE OF PETITIONS

In re Application of
Ran **ZOU, et al.**
Application No. 11/089,059
Filed: March 24, 2005
Attorney Docket No. **0031-2005**

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed August 12, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 24, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 25, 2007.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Patrick J. Kelly appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If, Mr. Kelly desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to Mr. Kelly, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

The petition is not accompanied by a statement of express abandonment in favor of the filing of a continuing application. In order to facilitate action, the petition to revive should include reference to the filing of a continuing application and a letter of express abandonment, conditional upon the granting of the petition and of a filing date to the continuing application. Nevertheless, in view of the statement that the reply is the filing of a continuing application, the statement will be construed as a request to expressly abandon this application in favor of the continuing application. If this was not the intent of applicant, the Office should be promptly notified.

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 $1540; and (3) an adequate statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application 12/190,263 filed August 12, 2008.

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

Brian W. Brown
Petitions Examiner
Office of Petitions

cc: **PATRICK J. KELLY**
SYNNESTVEDT AND LECHNER, LLP
1101 MARKET STREET, SUITE 2600
PHILADELPHIA, PA 19107

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination
	11/089,072	SMITH ET AL.

Document Code - DISQ	Internal Document – DO NOT MAIL

TERMINAL DISCLAIMER	☒ APPROVED	☐ DISAPPROVED
Date Filed : 02/07/07	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
meason

U.S. Patent and Trademark Office

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination
	11/089,072	SMITH ET AL.

Document Code - DISQ	Internal Document – DO NOT MAIL

TERMINAL DISCLAIMER	☒ APPROVED	☐ DISAPPROVED
Date Filed : 02/07/07	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
meason

U.S. Patent and Trademark Office

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SATYANARAYANA GANTI
604 QUAIL RIDGE DRIVE
PLAINSBORO, NJ 08536

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MAR 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Ganti et al.	:	
Application No. 11/089,092	:	ON PETITION
Filed: March 24, 2005	:	
Attorney Docket No. SGDG1	:	

This is in response to the communication, filed January 30, 2008, to revive the above-identified application, which is being treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

On June 28, 2007, the Office mailed an Office action, which set a one month shortened statutory period to reply. The application became abandoned on July 29, 2007, for failure to submit a timely response. On January 24, 2008, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to non-receipt of the Office action. Specifically, petitioner states, "The attorney Ms. Nancy Alice Bird handling out patent application passed away last year and we were not informed till we inquired and since she was handling as an individual we did not receive any official communication from her office for a long time."

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

As stated in MPEP 406, if notification of the death of the sole principal attorney is received from the Office of Enrollment and Discipline or some other source, correspondence will continue to be held with the office of deceased attorney, but a copy of the Office action will also be mailed to the person who originally appointed the attorney. However, in the instant application, no notification was received until the statement in the instant petition from the applicant. Though a proper Revocation of Power of Attorney was received on November 7, 2007 and approved on November 29, 2007, it is not customary to mail out previously sent Office actions at such time. Accordingly, the petition to withdraw the holding of abandonment is **dismissed**. A copy of the Office action accompanies this decision for petitioner's convenience.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

> (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a Restriction Requirement, the required reply may be met by filing an Election.

(2) The petition fee as set forth in 37 CFR 1.17(m), **$770.00 for a small entity**;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $770.00 petition fee.

Further, any future petitions must be signed by:

(1) An attorney or agent of record appointed in compliance with § 1.34(b);
(2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
(3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;
(4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undividing part interest; or
(5) All of the applicants (§§ 1.42. 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.

Petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

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

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

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

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

Enclosures: Form PTO/SB/64 - Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)
Copy of the Office action dated June 28, 2007.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/089,092	03/24/2005	Satyanarayana Ganti	SGDG1	2017

34197 7590 06/28/2007
LAW OFFICES OF NANCY A. BIRD
231 WALTON AVENUE
SO. ORANGE, NJ 07079

EXAMINER
WARE, DEBORAH K

ART UNIT	PAPER NUMBER
1651	

MAIL DATE	DELIVERY MODE
06/28/2007	PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	11/089,092	GANTI ET AL.	
	Examiner	Art Unit	
	Deborah K. Ware	1651	

-- 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) 1-18 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) 1-18 are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1, 4-10 and 13-18, drawn to method of producing whole cells and extract and method of getting rid of waste oil, classified in class 435, subclass 262.5.

II. Claims 2-3 and 11-12, drawn to a composition per se, classified in class 424, subclass 400.

The inventions are distinct, each from the other because of the following reasons:

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 carried out without making nutritional supplements as required of Group II, thus, there is one-way distinctness between the Groups.

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.

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 require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

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

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah K. Ware whose telephone number is 571-272-0924. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Deborah K. Ware

DEBORAH K. WARE
PATENT EXAMINER

Deborah K. Ware
June 23, 2007

PTO/SB/64 (01-08)
Approved for use through 03/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

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

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

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

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

1. Petition fee

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

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

2. Reply and/or fee

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

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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

3. Terminal disclaimer with disclaimer fee

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

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

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

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

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

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

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

I hereby certify that this correspondence is being:

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

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

Date	Signature
	Typed or printed name of person signing certificate

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROBERT A. GOETZ
MEDLEN & CARROLL, LLP
101 HOWARD STREET, SUITE 350
SAN FRANCISCO, CA 94105

COPY MAILED
MAY 0 4 2006
OFFICE OF PETITIONS

In re Application of	:	
Shaomeng Wang et al	:	
Application No. 11/089,096	:	DECISION ON PETITION
Filed: March 24, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. UM-09766	:	37 C.F.R. § 1.102(d)
	:	

This is a decision on the petition under 37 CFR 1.102(d), filed on March 22, 2006, to make the above-identified application special based on developing treatments and cures for HIV/AIDS or cancer as set forth in M.P.E.P. § 708.02, Section X.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(d) and MPEP § 708.02, Section X: Inventions Relating to HIV/AIDS or cancer, must be accompanied by (1) the petition fee under 37 CFR 1.17(h); and (2) a satisfactory statement explaining how the invention contributes to the diagnosis, treatment or prevention of HIV/AIDS or cancer.

The instant petition includes "The above-captioned application is directed to a novel composition for use in the treatment of cancer and methods of treating cancer using the novel composition." 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 1614 for action in its regular turn.

Amelia Au
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

AUG 0 6 2007

OFFICE OF PETITIONS

In re Application of

MA, Xiao-Jun et al.
Application No. 11/089,097
Filed: March 24, 2005
Attorney Docket No. **022041-001440US**

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 04, 2007.

The request is **APPROVED**.

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

The request was signed by Karen B. Dow on behalf of all attorneys of record who are associated with customer No. 20350. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed June 18, 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: **XIAO-JUN MA**
4482 CALLE MAR DE ARMONIA
SAN DIEGO, CA 92130

cc: **PATENTIQUE PLLC**
14205 SOUTHEAST 36TH STREET
SUITE 100
BELLEVUE, WA 98006

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
11/089,097	03/24/2005	Xiao-Jun Ma	022041-001440US

CONFIRMATION NO. 2023

OC000000025145649

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Date Mailed: 08/02/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

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

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

Michelle R. Cao

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

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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SENNIGER POWERS
ONE METROPOLITAN SQUARE
16TH FLOOR
ST. LOUIS, MO 63102

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OCT 26 2007

OFFICE OF PETITIONS

In re Application of Robert J. Falster et al Application No. 11/089,102 Filed: March 24, 2005 Attorney Docket No. MEMC 00-1401	DECISION GRANTING PETITION UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition, filed October 24, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 28, 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 1722 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\fhicks\My Documents\470\Oct11\089102.wpd

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

UNITED STATES 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: 06/25/09

Patent No. : 7524352 B2
Ser. No. : 11/089,110
Inventor(s) : LINDENAU, RENE
Issued : 04/28/09
Title : **COMPOSITION FOR THE PRODUCTION OF SINTERED MOLDED PARTS**
Docket No. : **GKNM-0190**

Re: Request for Certificate of Correction

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

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

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

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

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

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

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

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

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

By fax: (571) 273-0025
ATTN: Office of Petitions

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

Lamonte M. Newsome

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(703) 305-8309 or (703) 308-9390 #112

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

LMN

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Alexandria, VA 22313-1450
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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

MAILED
MAY 03 2010
OFFICE OF PETITIONS

In re Patent No. 7,524,352	:	
Issue Date: April 28, 2009	:	
Application No. 11/089,110	:	ON PETITION
Filed: March 24, 2005	:	
Attorney Docket No. GKNM-0190	:	

This is a decision on the petition filed February 22, 2010, 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.

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.

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 11089110 Total Records Found: 17

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
05/03/2010	00000020	4	1811	-$100.00	06/16/2009	DA 233050
02/23/2010	00005520	4	1808	$130.00	02/22/2010	DA 233050
06/16/2009	00011729	4	1811	$100.00	06/16/2009	DA 233050
03/10/2009	00011944	4	1501	$1,510.00	03/10/2009	DA 233050
03/10/2009	00011945	4	1504	$300.00	03/10/2009	DA 233050
09/30/2008	00001772	4	1201	$420.00	09/29/2008	DA 233050
09/30/2008	00001769	4	1202	$50.00	09/29/2008	DA 233050
04/10/2008	00002265	4	1801	$810.00	04/09/2008	DA 233050
09/12/2007	00000002	1	1201	$600.00	09/10/2007	DA 233050
09/12/2007	00000001	1	1202	$50.00	09/10/2007	DA 233050
01/31/2007	00004215	4	1251	$120.00	01/31/2007	DA 233050
08/12/2005	00000259		8021	$40.00	06/22/2005	DA 233050
06/24/2005	00000025	1	1051	$130.00	06/22/2005	CK
03/29/2005	00000108	1	1202	$400.00	03/24/2005	CK
03/29/2005	00000107	1	1311	$200.00	03/24/2005	CK
03/29/2005	00000106	1	1111	$500.00	03/24/2005	CK
03/29/2005	00000105	1	1011	$300.00	03/24/2005	CK

```
Adjustment date: 05/03/2010  LDIEP1
06/16/2009 INTEFSW  00007404 233050   11089110
05/08/2010 LDIEP1 10000000007 233050   7524352

01 FC:1808        130.00 DA
02 FC:1811        100.00 DA
   Adjustment date: 05/03/2010  LDIEP1
   02/23/2010 INTEFSW  00003340 233050   11089110
   01 FC:1808        130.00 CR
```

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

Femal & Associates
812 N. Belmont Ave.
Arlington Heights IL 60004-5606

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DEC 20 2007

OFFICE OF PETITIONS

In re Application of :
May : DECISION ON PETITION
Application No. 11/089,123 :
Filed: March 24, 2005 :
Atty. Dkt. No: G-101 :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed November 15, 2007.

The petition under 37 CFR 1.181 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 June 2, 2007 for failure to timely submit a proper reply to the non-final Office action mailed March 1, 2007. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed November 24, 2007.

Petitioner argues non-receipt of the non-final Office action mailed March 1, 2007.

In the absence of any irregularity in the mailing of an Office communication, there is a strong presumption that the Office communication was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office communication was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been

received and docketed must be attached to and referenced in practitioner's statement. *See*, MPEP 711.03(c). The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

Office records indicate the Office communication was properly mailed to the correspondence address of record at the time of mailing. Accordingly, there was no irregularity in mailing the Office communication on the part of the United States Patent and Trademark Office.

The instant petition is not accompanied by any evidence to support petitioner's contention of non-receipt of the non-final Office action.

Any renewed petition must be accompanied by evidence to establish non-receipt of the non-final Office. In this regard, petitioner's attention is directed to MPEP 711.03(c)(I)(A).

The instant petition is accepted under 37 CFR 1.34 in that when a patent practitioner acting in a representative capacity appears in person or signs a paper in practice before the United States Patent and Trademark Office in a patent case, his or her personal appearance or signature shall constitute a representation to the United States Patent and Trademark Office that under the provisions of this subchapter and the law, he or she is authorized to represent the particular party on whose behalf he or she acts. Further proof of authority to act in a representative capacity may be required.

ALTERNATE VENUE

If appropriate, 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).

There is no indication in the record that practitioner herein was ever given a power of attorney to prosecute the application. Practitioner is advised to submit the appropriate power of attorney documents upon 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 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

OIPE IAP70
MAR 26 2008
PATENT & TRADEMARK OFFICE

1 for DAC

Attorney Docket No. G-101

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Heidi R. May		
Application No.:	11/089,123	Examiner:	Arpad Fabian Kovacs
Confirmation No.:	8380		
Filed On:	March 24, 2005	Art Unit:	3671
For:	A Gardening Tarp		

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

RENEWED PETITION UNDER 37 C.F.R. § 1.181

03/26/2008 EEKUBAY1 00000002 11089123
01 FC:2251 60.00 OP

Dear Sir:

In response to a notice of DECISION ON PETITION, mailed 12/20/2007 and received on March 15, 2008, Applicant respectfully request a reconsideration of this decision that the above-identified patent application be reinstated for the reasons outlined below.

Applicant's Attorney received this DECISION ON PETITION, mailed 12/20/2007 on March 15, 2008, which is almost three months after its mailing from the USPTO. This requires Applicant to file for a one month extension of time to reply to this Official Office Action through

no fault of Applicant's Attorney but due yet to another obvious delay in receiving the U.S. Mail again from the USPTO.

Paragraph four of the DECISION ON PETITION incorrectly states that the Notice of Abandonment was mailed on November 24, 2007 when in fact it was mailed on September 24th, 2007 and received almost two months later on Saturday November 10, 2007. Applicant's Attorney immediately responded on the same date to the Notice of Abandonment with a Petition to Revive under 37 C.F.R. § 1.181 along with a response to the Official Office Action dated March 1, 2007 but never received at its law offices by downloading this Official Office Action from the USPTO website. The PTO logged in Applicant's Petition to Revive along with its amendment response on November 15, 2007 so it would be physically impossible for the Notice of Abandonment to have been mailed by the USPTO on November 24th, 2007. This only highlights the continuing problems that Applicant's Attorney has experienced with this patent application to date.

Again, Applicant's Attorney states that the Official Office Action allegedly mailed on March 1, 2007 from the USPTO was never received in its Arlington Heights, IL. Applicant's Attorney checked its patent files for this client and others and found no misfiled Official Office Action dated March 1, 2007. Moreover, Applicant's Attorney personally opens all mail from the USPTO and personally enters the date of receipt of all docket information on the cover of each patent folder. Applicant's Attorney has followed this procedure for over thirty years as a registered Patent Attorney. In fact, Applicant's Attorney has responded to hundreds of Office Actions over thirty years in practice and has never lost or misplaced correspondence from the USPTO on a patent application or had a patent application abandoned for failure to respond to an Official Office Action. A number of times over the same thirty years of practice, Applicant's Attorney has been requested to send a duplicate copy of his whole patent file because the USPTO had misplaced or lost the particular patent file on one of his clients.

As further evidence, Applicant's Attorney attaches as Exhibit "A" the above listed patent application Serial Number 11/089,123 file jacket cover, upon which Applicant's Attorney

personally enters the docketing data thereon that is received in mailings from the USPTO including any Official Office Action. The entries are clear on this patent application jacket file that reads as follows: 1) Notice of Missing Parts mailed April 25, 2005 and received on June 15, 2005 at Applicant's Attorney law offices and a response was filed on June 20th, 2005; 2) Notice of Abandonment mailed September 24, 2007 and received November 10, 2007 and responded to on the same date with a Petition to Revive and an amendment to the missing Official Office Action of March 1, 2007; and 3) Petition Decision mailed 12/20/2007 and received on March 15th, 2008 and responded to with a renewed Petition on March 20th, 2008. Those are the only three entries so far and nothing else had been received to respond to from the USPTO.

As still further evidence, Applicant's Attorney personally gets the mail from the mailbox at its law office in Arlington Heights, IL and then opens all mail. Then he personally makes the entries on each USPTO patent file jacket in his law office from any USPTO mailings. Applicant's Attorney does not rely on any secretary or office assistant to do this task and as a result has never missed a date with the USPTO in over thirty years of practice. On Office Actions, Applicant's Attorney enters the date that the USPTO mails the Office Action and a short description under the heading "Office Actions" on the left hand column of the jacket cover and on the right hand column of the jacket cover underneath the heading "Amendments" enters the date the office action is received along with date that the response is mailed to the USPTO. This simple but reliable method of keeping track of incoming USPTO mail has worked flawlessly for over thirty years of practice.

So as one can see there is no date on the patent application jacket cover for the Official Office Action allegedly mailed on March 1, 2007 and attached hereto as Exhibit "A". The conclusion that can be drawn is that nothing was ever received from the USPTO for that office action at the law offices of Applicant's Attorney in Arlington Heights, IL. One can reasonably assume that this Official Office Action is lost somewhere in the mail. Whether the irregularity in mailing arose in the USPTO or with the U.S. Mail, Applicant's attorney has no way of knowing or proving in this instance. However, the error did not occur in Applicant's Attorney Law

Office. Again, to the present date, Applicant's attorney has not received in the mail, the Official Office Action dated March 1, 2007 at his Arlington Heights Law Offices. The Official Office Action comes in an oversized yellowish manila envelope, which is very distinctive and never missed among the incoming mail to Applicant's Attorney Law Offices.

On June 25, 2005, Applicant's attorney filed missing parts response to an Office Action received again near the end of the two month period on June 15, 2007. There seems to be a pattern of late mailings from the PTO in this present application or very slow mail service by the U.S. Postal Service in delivery to the Arlington Heights address in Illinois for Applicant's Attorney law offices including this latest Decision On Petition received March 15th, 2008 almost three months after the mailing from the USPTO.

Again, due to some snafu either at the USPTO or at the US Postal Service, delivery of the Official Office Action allegedly mailed on March 1, 2007 never reached Applicant's attorney law offices. There are no indications whatsoever that there was any error at Applicant's Attorney Law Offices in receiving or docketing this Official Office Action since it was never received making it impossible to respond.

With the evidence of the docket jacket folder as Exhibit "A" of the patent application from the records of Applicant's Attorney files attached hereto, Applicant respectfully requests a reconsideration by the Director of Patents of its decision to dismiss the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed November 15, 2007. Upon the grant of this petition, Applicant further requests that the Director accept the previously enclosed response to the Official Office Action as timely filed and forward it onto the appropriate examiner and art group for examination.

Applicant believes that this petition request is not subject to a filing fee but since the mailing was received late from the USPTO on March 15, 2008 Applicant requests a one month extension under 37 CFR §1.136(a) with the required fee of $60 for a small entity under § 1.17(f). Enclosed is my attorney's check for $60 to cover the fee. Please let me know if there are any more fees required and if so you are authorized to charge deposit account No. 130265 for any such fees or refund.

Respectfully submitted,

Dated: 3-20-2008 By: Michael J. Femal

Michael J. Femal, Reg. No. 27,784
Femal & Associates
812 N. Belmont Ave.
Arlington Heights, IL
(847) 259-8588

CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)
I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service, with first class postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 20, 2008.

Michael J. Femal

Michael J. Femal

CLIENT Heidi R. May

INVENTOR: Heidi R. MAY

SERIAL NO. 11/089123 FILED 03/24/2005

TITLE A GARDENING TARP

ASSIGNEE

ASSIGNMENT RECORDED REEL FRAME

OFFICE ACTIONS	AMENDMENTS
NOTICE OF Missing Parts 04/25/2005	REC'D 6/15/2005 Response Filed June 20, 2005
NOTICE of Abandonment Mailed 9/24/2007	REC'd 11/10/2007 Response - Petition R181 + Amendment Filed 11/10/2007
Petition Decision Mailed 12/20/2007	REC'd 3/15/2008 Respond Review Petition Filed 3/20/08

SMALL ENTITY STATUS YES X FILED 03/24/2005 NO

ALLOWED FINAL FEE PAID

PATENT NO. DATE

PRIORITY CLAIMED DOCS. FWD. PTO ACK.

IN OF

MUATION IN PART OF

CLIENT G-101

CLIENT FILE NO. HE101

INVENTOR R. MAY

OTHER FOREIGN YES NO

SERIAL NO. 11/089,123

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

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JUL 19 2006

OFFICE OF PETITIONS

In re Application of	:	
Green et al.	:	
Application No. 11/089,131	:	ON PETITION
Filed: March 24, 2005	:	
Attorney Docket No. 850-25	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 19, 2006 and July 1, 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 Declarations from the applicants, James A. Green, Sr. and Austin S. Coker, Jr. 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 2618 for action on the merits commensurate with this decision.

Liana Chase
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JAMES REMENICK
NOVAK DRUCE & QUIGG, LLP
1300 I STREET NW
SUITE 1000 WEST TOWER
WASHINGTON DC 20005

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OCT 30 2007

OFFICE OF PETITIONS

In re Application of	:	
GLATKOWSKI et al.	:	
Application No. 11/089,138	:	DECISION ON PETITION
Filed: 03/14/2005	:	
Attorney Docket No. 8125.008.US	:	

This is a decision on the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR § 1.181," filed August 22, 2007.

This application was held abandoned for failure to respond timely to the final Office Action mailed on November 21, 2006, which set a three-month shortened statutory period for reply. In the apparent absence of a timely filed response, the application was held abandoned and a Notice of Abandonment was mailed on June 22, 2007.

Petitioners asserted that they filed a timely response to the final Office action on Monday, April 23, 2007. A copy of the response in the form of a RCE, an amendment, and a request for an extension of time for response within the second month, accompany the petition. Additionally, petitioners provided the Office with a copy of the Acknowledgment Receipt, indicating that the USPTO had received petitioners' submission on April 23, 2007.

Upon a review of the record, the Office has located the RCE, amendment, and the request for an extension of time for response within the second month in the Image File Wrapper for this application. Accordingly, the response is considered timely filed on Monday, April 23, 2007.[1]

The petition is **granted**. The Notice of Abandonment is hereby withdrawn. The application is restored to pending status in view of the fact that a reply was timely filed.

---

[1] When the day, or the last day fixed by statute or by or under this part for taking any action or paying any fee in the United States Patent and Trademark Office falls on Saturday, Sunday, or on a Federal holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding business day which is not a Saturday, Sunday, or a Federal holiday." 37 CFR 1.7(a).

The Office finance records reveal that petitioners paid a $120.00 one-month extension of time fee on March 21, 2007, and a $330.00 two-month extension of time fee on April 23, 2007. To avoid abandonment of the application, petitioners were required to obtain a two-month extension of time. Therefore, the $120.00 one-month extension of time fee is unnecessary and will be refunded to the credit card.

The matter is being referred to Technology Center Art Unit 3644 for a review of the reply filed on Monday, April 23, 2007.

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

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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WARNER-LAMBERT COMPANY
2800 PLYMOUTH RD
ANN ARBOR MI 48105

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MAR 13 2006

OFFICE OF PETITIONS

In re Application of :
Cornelius et al. :
Application No. 11/089,146 : ON PETITION
Filed: March 24, 2005 :
Attorney Docket No. PC23016B :
Title of Invention:Method of Treating Hair Loss :
Using Thyromimetic Compounds

This is a decision on the petition under 37 CFR §1.181 filed January 17, 2006 to withdraw the holding of abandonment.

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

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts which was mailed on April 22, 2005. The Notice to File Missing Parts set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on June 23, 2005. A Notice of Abandonment was mailed on January 10, 2006.

Petitioner maintains that a response to the Notice to File Missing Parts was sent via facsimile on May 2, 2005 . Petitioner acknowledges a typographical error resulted in the incorrect application being provided on the transmittal form. The response contained application number 11/036,262 rather than 11/089,146. The rest of the identifiers on the transmittal form were correct. The actual response did contain the correct application number, attorney docket number, confirmation number filing date and title of invention. In support of petitioner's contention that a response was timely submitted to the Office Action, petitioner has a statement attesting to the facts of the petition and a copy of the sending unit's report confirming transmission pursuant to 37 CFR 1.8.

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

abandonment was improperly imposed.

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

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

Charlema R. Grant

Charlema R. Grant

Petition Attorney

Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ATTN: PATENT INTAKE CUSTOMER NO. 30623
ONE FINANCIAL CENTER
BOSTON MA 02111

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APR 1 8 2008

OFFICE OF PETITIONS

In re Application of	:	
Eliahu **Kaplan** et al.	:	
Application No. 11/089,157	:	DECISION ON PETITION
Filed: March 24, 2005	:	
Attorney Docket No. 27503-502-059	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 18, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 03, 2006. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is January 04, 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, Request for Continued Examination (RCE), and the RCE filing fee of $405.00, and the submission required by 37 CFR 1.114; (2) the petition fee of $770.00; and (3) a statement of unintentional delay. Accordingly, the reply to the final Office action of December 18, 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.

Furthermore, 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 check (#25069) in the amount of $525.00 extension of time fee submitted with the petition on December 18, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account number 50-0311.

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

This application is being referred to Technology Center AU 1626 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.

for David A. Bucci
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/089,177	03/24/2005	2676	1100	SCEI 3.0-004 CONT CONT	12	22	1

CONFIRMATION NO. 3319

FILING RECEIPT

OC000000016058013

000530
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

Date Mailed: 05/18/2005

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)

Masakazu Suzuoki, Tokyo, JAPAN;
Akio Ohba, Tokyo, JAPAN;
Masaaki Oka, Tokyo, JAPAN;
Toshiyuki Hiroi, Tokyo, JAPAN;
Teiji Yutaka, Tokyo, JAPAN;
Toyoshi Okada, Tokyo, JAPAN;
Masayoshi Tanaka, Tokyo, JAPAN;

Assignment For Published Patent Application

Sony Computer Entertainment Inc., Tokyo, JAPAN

Power of Attorney: The patent practitioners associated with Customer Number **000530**.

Domestic Priority data as claimed by applicant

This application is a CON of 10/694,482 10/27/2003 PAT 6,891,544
which is a CON of 09/502,671 02/11/2000 PAT 6,807,620

Foreign Applications

If Required, Foreign Filing License Granted: 04/21/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/089,177

Projected Publication Date: 08/25/2005

BEST AVAILABLE COPY

Non-Publication Request: No

Early Publication Request: No

Title

Multiprocessor computer system

Preliminary Class

345

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

GRANTED

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

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

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

NOT GRANTED

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

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54 ELTON ST
NEW BRITAIN, CT 06053

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APR 2 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Mario Uttaro, et. al.	:	
Application No. 11/089,198	:	DECISION ON PETITION
Filed: March 25, 2005	:	
Attorney Docket No. N/A	:	

This is a decision on the petition under 37 CFR 1.181 (no fee), filed February 5, 2007, requesting withdrawal of the holding of abandonment in the above-identified application.

This application was purportedly held abandoned for failure to file a reply to the Non-final Office action mailed April 24, 2006. A Notice of Abandonment was mailed on January 8, 2007.

Petitioner states that a reply was timely mailed on July 7, 2006 and was in the hands of the Examiner of record prior to expiration of the of the three months statutory period.

A review of the record shows that a non-final Office action was mailed on April 24, 2006, to which petitioner timely responded to the Office action by submitting an abstract, three sheets of replacement drawings containing Figures 1-29, revised claims and a revised Information Disclosure Statement (IDS) all date stamped as received in the USPTO on July 10, 2006. Therefore, the petition is **granted**.

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

This application is being referred to Technology Center Art Unit 3634, for appropriate action in the normal course of business on the reply received on July 10, 2006.

Andrea Smith
Petitions Examiner
Office of Petitions

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& MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

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MAY 25 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of	:
Makoto Inoue	:
Application No. 11/089,200	:
Filed: March 24, 2005	:
Attorney Docket No. 7217/73854	:

This is a decision on the petition, filed May 25, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid on April 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) 272-3208.

The examiner of Technology Center AU 2612 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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

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COMMISSIONER FOR PATENTS
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FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
901 New York Avenue, N.W.
Washington DC 20001-4413

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JUL 26 2006

OFFICE OF PETITIONS

Applicant: Lion et al.
Appl. No.: 11/089,210
Filing Date: March 25, 2005
Title: STYLING COMPOSITION COMPRISING, IN A PREDOMINANTLY AQUEOUS MEDIUM, A PSEUDO-BLOCK POLYMER, PROCESSES EMPLOYING SAME AND USES THEREOF
Attorney Docket No.: 06028.0097
Pub. No.: US 2005/0220747 A1
Pub. Date: October 6, 2005

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), filed on December 6, 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 in dependent claim 6, wherein

"methacrylates of the formula $CH_2 = C(CH_3)—COOR_1$
wherein R_1 is chosen form linear or branched unsubstituted alkyl groups"

is misprinted as

"methacrylates of the formula $CH_2 = C(CH_3)—COOR$,
wherein R_1 is chosen form linear or branched unsubstituted alkyl groups."

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]

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

The error noted by requestor wherein "$COOR_1$" is misprinted as "COOR," is an Office error but the mistake is not a material error under 37 CFR 1.221(b). The error is a typographical error, which is clearly understandable to one of ordinary skill in the art in reading the claim, as the reference immediately following the "R," is to "R_1" and that is the only "R." The mistake is a minor typographical, which does not affect the understanding of the dependent claim. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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

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

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

By facsimile: 571-273-8300

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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STAAS & HALSEY LLP
1201 NEW YORK AVENUE NW, SUITE 700
WASHINGTON, DC 20005

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JUN 02 2008

OFFICE OF PETITIONS

In re Application of	:	
MOCHIZUKI, et al.	:	
Application No. 11/089,218	:	DECISION GRANTING PETITION
Filed: March 25, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **1826.1065**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 29, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid on May 1, 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 2187 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Monica A. Graves
Petitions Examiner
Office of Petitions

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

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Femal & Associates
812 N. Belmont Ave.
Arlington Heights IL 80004-5606

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JUL 03 2007

OFFICE OF PETITIONS

In re Application of	:	
Neal William Fischer	:	
Application No. 11/089,240	:	DECISION ON PETITION
Filed: 03-24-2005	:	
Attorney Docket No. N - 101	:	

This is a decision on the petition filed June 1, 2007, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

On September 11, 2006, the Office mailed a nonfinal Office action, which set a three-month shortened statutory period for reply. Extensions of time were permitted under the provisions of 37 CFR 1.136(a). In the absence of a timely filed reply, the Office mailed a Notice of Abandonment on March 22, 2007.

Petitioners asserted that they submitted a timely reply to the nonfinal Office action, which contained a certificate of mailing dated December 11, 2006. Petitioners submitted a copy of the previously mailed reply in the form of an amendment, bearing a certificate of mailing dated December 11, 2006. The certificate of mailing of December 11, 2006, would have rendered the reply timely filed if received in the USPTO. However, the application file does not include the original reply with the certificate of mailing.

Pursuant to 37 CFR 1.8(b):

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to file a timely reply to the nonfinal Office action of September 11, 2006, is withdrawn and the application is restored to pending status. The Office will accept the copy of the reply submitted on March 29, 2007, in place of the reply mailed on December 11, 2006.

This application is being referred to Technology Center AU 3679 for appropriate action on the amendment submitted on March 29, 2007 (certificate of mailing dated December 11, 2006).

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 05/06/2010

Applicant	: Sean Harrison	: DECISION ON REQUEST FOR
Patent Number	: 7664658	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/089,248	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/24/2005	: 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.

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ROGER A. MARRS
SUITE 1220
15233 VENTURA BLVD
SHERMAN OAKS CA 91403

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JAN 2 2 2008

OFFICE OF PETITIONS

In re Application of

Carlile R. Stevens

Application No. 11/089,257

Filed: March 24, 2005

Attorney Docket No.

DECISION ON PETITION

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

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the final Office action mailed September 12, 2006, which set a shortened statutory period for reply of three (3) months. No response was received within the allowable period, and the application became abandoned on November 14, 2007. A Notice of Abandonment was mailed on March 16, 2007.

Examiner Thuy Vinh Tran has determined that the amendment filed August 13, 2007, places the application in condition for allowance.

The application is being forwarded to Technology Center 2800, GAU 2821 for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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IFW

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SHERMAN OAKS CA 91403

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JAN 22 2008

OFFICE OF PETITIONS

In re Application of

Carlile R. Stevens

Application No. 11/089,257

Filed: March 24, 2005

Attorney Docket No.

DECISION ON PETITION

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

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the final Office action mailed September 12, 2006, which set a shortened statutory period for reply of three (3) months. No response was received within the allowable period, and the application became abandoned on November 14, 2007. A Notice of Abandonment was mailed on March 16, 2007.

Examiner Thuy Vinh Tran has determined that the amendment filed August 13, 2007, places the application in condition for allowance.

The application is being forwarded to Technology Center 2800, GAU 2821 for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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

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OFFICE OF PETITIONS

In re Application of	:	
GIANESELLO et al.	:	
Application No. 11/089,260	:	DECISION ON PETITION UNDER
Filed: March 24, 2005	:	37 CFR 1.182 & 37 CFR 1.78(a)(3)
Attorney Docket No. **01-1469**	:	

This is a decision on the petition under 37 CFR 1.182, filed October 14, 2008, for Special Attention and Expedited Handing and the petition under 37 CFR 1.78(a)(3), filed September 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(s).

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

37 CFR 1.182 provides that all situations not specifically provided for in the regulations of this part will be decided in accordance with the merits of each situation by or under the authority of the Director, subject to such other requirements as may be imposed and such decision will be communicated to the interested parties in writing. Any petition seeking a decision under this section must be accompanied by the petition fee set forth in § 1.17(f).

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

This application is being forwarded to Technology Center Art Unit 1655 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

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/089,260	03/24/2005	1655	1130	01-1469	14	3

CONFIRMATION NO. 8135

CORRECTED FILING RECEIPT

OC000000032678942

28518
MICHAEL P. MORRIS
BOEHRINGER INGELHEIM USA CORPORATION
900 RIDGEBURY RD
P. O. BOX 368
RIDGEFIELD, CT 06877-0368

Date Mailed: 11/03/2008

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)

Valter Gianesello, Origlio, SWITZERLAND;
Fabio Soldati, Savosa, SWITZERLAND;
Alberto Vignutelli, Lugano, SWITZERLAND;
Markus Peters, Kailua Kona, HI;

Assignment For Published Patent Application

Boehringer Ingelheim International GmbH, Ingelheim, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number 28501

Domestic Priority data as claimed by applicant

Foreign Applications

GERMANY 202 15 011 09/28/2002
EUROPEAN PATENT OFFICE (EPO) 03005568 03/12/2003
EUROPEAN PATENT OFFICE (EPO) PCT/EP03/10749 09/26/2003

If Required, Foreign Filing License Granted: 04/20/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/089,260**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Method of enhancement of cognitive skills

Preliminary Class

424

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

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FEB 12 2008

OFFICE OF PETITIONS

In re Application of	:	
Belenky et al.	:	
Application Number: 11/089261	:	DECISION ON PETITION
Filing Date: 03/24/2005	:	
Attorney Docket Number: BYR-84	:	
(MST-2432)	:	

This is a decision on the petition filed on August 21, 2007, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on March 12, 2007, for failure to timely submit a reply to the Office action requiring restriction and/or election mailed on February 9, 2007, which set a one (1)-month or 30 day shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. The filing of the present petition precedes the mailing of Notice of Abandonment.

---

[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)).

Receipt of the response to the restriction requirement is acknowledged.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[2] In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The address in the petition is different than the correspondence address. A courtesy copy of this decision is being mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record.

The application is being referred to Technology Center Art Unit 1641 for further processing.

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Cc:

CHARLES B. RODMAN
10 STEWART PLACE, SUITE 2CE
WHITE PLAINS NY 10603

---

[2] See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1208 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/089,264	03/24/2005	1751	1050	H0006672	1	21	2

CONFIRMATION NO. 8161

CORRECTED FILING RECEIPT

OC000000016390022

Honeywell International Inc.
Patent Legal Services
101 Columbia Rd.
Morristown, NJ 07962

Date Mailed: 06/27/2005

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)

Bo Yang, Ridgefield, CT;
Peter M. Woyciesjes, Woodbury, CT;
Filipe J. Marinho, Danbury, CT;

Power of Attorney: The patent practitioners associated with Customer Number **23413**.

Domestic Priority data as claimed by applicant

This application is a DIV of 10/838,046 05/03/2004 PAT 6,887,597

Foreign Applications

If Required, Foreign Filing License Granted: 06/27/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/089,264

Projected Publication Date: 11/03/2005

Non-Publication Request: No

Early Publication Request: No

Title

Methods and composition for cleaning and passivating fuel cell systems

Preliminary Class

510

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

GRANTED

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations

especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

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KLARQUIST SPARKMAN LLP
121 S.W. SALMON STREET
SUITE 1600
PORTLAND, OR 97204

Mail Date: 04/21/2010

Applicant	: John M. Snyder	: DECISION ON REQUEST FOR
Patent Number	: 7633503	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/089,265	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/22/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **382** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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DEC 13 2006
OFFICE OF PETITIONS

In re Application of	:	
CHATTERJEE, et al.	:	
Application No. 11/089,266	:	DECISION ON PETITION
Filed: March 23, 2005	:	TO WITHDRAW
Attorney Docket No. 304142000203	:	FROM RECORD
	:	

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 29, 2006.

The request is **APPROVED**.

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

The request was signed by Gladys H. Monroy on behalf of all attorneys of record who are associated with Customer No. 25226. All attorneys/agents associated with the Customer No. 25226 have been withdrawn.

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

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

There is no outstanding Office action that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6825.

Patricia Volpe
Petitions Examiner
Office of Petitions

cc: SUNIL K. CHATTERJEE
3512 REEVES DRIVE
FORT WRIGHT, KY 41017

cc: RICHARD MYERS, JD
STITES & HARBISON
424 CHURCH STREET
SUITE 1800
NASHVILLE, TN 37219

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/089,266	03/23/2005	Malaya Chatterjee	304142000203

CONFIRMATION NO. 7841

OC000000021579845

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

Date Mailed: 12/12/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/29/2006.

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

PATRICIA A VOLPE
OP (571) 272-6825

FORMER ATTORNEY/AGENT COPY

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Donald J. Ersler
725 Garvens Avenue
Brookfield WI 53005

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OFFICE OF PETITIONS

In re Application of	:	
Richard J. Ponsini	:	
Application No. 11/089,273	:	ON PETITION
Filed: 24 March 2005	:	
Attorney Docket No. 1367	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 1, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before August 8, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed May 8, 2006, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 9, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the Issue Fee of $700.00 and the Publication fee of $300.00, (2) the petition fee of $750.00; and (3) a statement of unintentional delay. Accordingly, the Issue Fee payments are accepted as having been unintentionally delayed.

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

The application file is being referred to the Publishing Division to be processed into a patent.

David Bucci
Petitions Examiner
Office of Petitions

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

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OFFICE OF PETITIONS

Applicant: Wong et al.
Appl. No.: 11/089,282
Filing Date: March 23, 2005
Title: DOCUMENT SIGNATURE METHOD & SYSTEM
Attorney Docket No.: 02221.0004NPUS00
Pub. No.: US 2005/0216742 A1
Pub. Date: September 29, 2005

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 31, 2005, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains a material error in the claim 1, and errors in claims 2, 4 and 6.

The request is granted.

At least one of the errors may have been due to the quality of the text in the application, as the text is bit blurry. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Thomas P. Liniak
Valeo Climate Control Corp.
Intellectual Property Dept.
4100 North Atlantic Boulevard
Auburn Hills, MI 48326

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SEP 0 6 2006
OFFICE OF PETITIONS

In re Application of	:	
Clemons Watcher et al.	:	
Application No. 11/089,302	:	DECISION ON PETITION
Filed: March 24, 2005	:	TO WITHDRAW
Attorney Docket No. TDE0322	:	FROM RECORD
	:	

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

The request is **APPROVED**.

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

The request was signed by Thomas P. Liniak.

Thomas P. Liniak has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There is no outstanding Office action at this time.

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

David Bucci for
Petitions Examiner
Office of Petitions

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AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH, FL 33402-3188

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OFFICE OF PETITIONS

In re Application of
Andrew Gabriel Rinzler et al
Application No. 11/089,311
Filed: March 24, 2005
Attorney Docket No. 5853-608

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102(c)(2)

This is a decision on the petition under 37 CFR 1.102(c)(2)(ii), filed March 24, 2005, to make the above-identified application special based on the invention materially contributing to the development or conservation of energy resources as set forth in M.P.E.P. § 708.02, Section VI.

The petition is **DISMISSED**.

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 how the invention materially contributes to (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources. If the disclosure is not clear on its face that the claimed invention materially contributes category (A) or (B), 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. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), hydrogen fuel technologies, nuclear energy, solar energy, etc. Category (B) would include inventions relating to the reduction of energy consumption in combustion systems, industrial equipment, household appliances, etc. No fee is required.

The claimed invention is a multilayer hydrogen sensor and method of forming a hydrogen sensor. The petition states the sensor consumes low power as compared to currently available hydrogen sensors. While petitioner's invention may consume less power, there is no evidence that the invention will materially contribute to the more efficient utilization and conservation of energy resources. The contribution while beneficial to conserving and more efficiently utilizing power, does not rise to the level intended by the rule.

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

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

This application is being referred to Technology Center Art Unit 2879 for action in its regular turn.

Denise Pothier
Petitions Examiner
Office of Petitions

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NIKOLAI & MERSEREAU, P.A.
900 SECOND AVENUE SOUTH
SUITE 820
MINNEAPOLIS MN 55402

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OFFICE OF PETITIONS

In re Application of	:
Chen	: DECISION ON PETITION
Application No. 11/089,320	:
Filed: March 24, 2005	:
Docket No.: CFP-017137	:
(20050365.ORI)	:

This is a decision on the petition under 37 CFR 1.181, filed March 17, 2006.

This application was held abandoned November 16, 2005 for failure to timely submit a proper reply to the Office communication mailed August 15, 2005. Notice of Abandonment was mailed March 14, 2006.

Petitioner alleges that a response to the outstanding Office action was timely submitted on via facsimile on September 28, 2005.

The Office received a communication on September 28, 2005. However, the communication was matched to the serial number identified in the transmittal letter accompanying the communication, namely, serial No. 10/089,320. The communication did not timely reach the correct application (11/089,320) due to petitioner's error. As a result of this error, the application was held abandoned.

Correspondence directed to the Patent and Trademark Office concerning a previously filed application for a patent must identify the application number and filing date assigned to that application by the Office. See, 37 CFR 1.5(a). In the above-referenced application, applicant failed to correctly identify the application by citing an incorrect application number in the transmittal accompanying the correspondence. The Office elects, in this instance, to treat applicant's transposition of numbers as a correctable minor error as permitted under MPEP 502. However, applicant is reminded that minor errors, such as occurred in the instant application, are to be avoided in the

future by the careful review of correspondence prior to submission to the Office.

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

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

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

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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900 SECOND AVENUE SOUTH
SUITE 820
MINNEAPOLIS MN 55402

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OFFICE OF PETITIONS

In re Application of :
Chen : DECISION ON PETITION
Application No. 11/089,320 :
Filed: March 24, 2005 :
Docket No.: CFP-017137 :
(20050365.ORI) :

This is a decision on the petition under 37 CFR 1.181, filed March 17, 2006.

This application was held abandoned November 16, 2005 for failure to timely submit a proper reply to the Office communication mailed August 15, 2005. Notice of Abandonment was mailed March 14, 2006.

Petitioner alleges that a response to the outstanding Office action was timely submitted on via facsimile on September 28, 2005.

The Office received a communication on September 28, 2005. However, the communication was matched to the serial number identified in the transmittal letter accompanying the communication, namely, serial No. 10/089,320. The communication did not timely reach the correct application (11/089,320) due to petitioner's error. As a result of this error, the application was held abandoned.

Correspondence directed to the Patent and Trademark Office concerning a previously filed application for a patent must identify the application number and filing date assigned to that application by the Office. See, 37 CFR 1.5(a). In the above-referenced application, applicant failed to correctly identify the application by citing an incorrect application number in the transmittal accompanying the correspondence. The Office elects, in this instance, to treat applicant's transposition of numbers as a correctable minor error as permitted under MPEP 502. However, applicant is reminded that minor errors, such as occurred in the instant application, are to be avoided in the

future by the careful review of correspondence prior to submission to the Office.

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

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

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

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

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OFFICE OF PETITIONS

ON PETITION

In re Application of	:
Igor Y. Denisyuk et al	:
Application No. 11/089,323	:
Filed: March 24, 2005	:
Attorney Docket No. 60352US002	:

This is a decision on the petition, filed August 9, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid on July 10, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The examiner of Technology Center AU 1773 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions

---

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

DATE: 8-10-07 APPLICATION NUMBER: 11/089323

DOC CODE: IMT DOC DATE: 8-10-07

DELIVER THE ATTACHED FILE/DOCUMENT TO THE TC SCANNIG CENETER

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

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

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Date : August 10, 2007

TO : Director, Office of Patent Publication

FROM : Office of Petitions

SUBJECT : Withdrawal from Issue of **Application No. 11/089,323**

Applicant(s) : Igor Y. Denisyuk et al
Application No. : 11/089,323
Filed : March 24, 2005

The above-identified application has been assigned Patent No. 7,255,923 and an issue date of August 14, 2007.

It is hereby directed that this application be withdrawn from issue at the request of the applicant. Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of August 14, 2007:

> **"All reference to Patent No. 7,255,923 to Igor Y. Denisyuk et al of Russian Federation for SURFACE MODIFIED NANOPARTICLE AND METHOD OF PREPARING appearing in the Official Gazette of August 14, 2007 should be deleted since no patent was granted."**

Karen Creasy
Petitions Examiner
Office of Petitions

cc: Paul Harrison
Deneise Boyd
Mary Louise McAskill
Niomi Farmer
Mary E. Johnson (Cookie
Duane Davis (CDS)
Brad Harris
Kim Terrell
Kay Pinkney
Betty Powell

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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 08/03/2010

Applicant	: Mitsuhiro Moriya	: DECISION ON REQUEST FOR
Patent Number	: 7646402	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/089,324	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/25/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1175** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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NIXON & VANDERHYE, P.C.
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ARLINGTON VA 22203

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OFFICE OF PETITIONS

In re Application of	:	
Yuuji Kando	:	
Application No. 11/089,334	:	DECISION GRANTING PETITION
Filed: March 25, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 723-1661	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 27, 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) 272-3208.

This application is being referred to Technology Center AU 3714 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy
Petitions Examiner
Office of Petitions

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

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MARK S. HUBERT P.C.
516 SE MORRISON- SUITE 1200
PORTLAND OR 97214

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OFFICE OF PETITIONS

In re Application of	:
Kitch	: DECISION ON PETITION
Application No. 11/089,377	:
Filed: March 24, 2005	:
For: LOW NOX EMISSION SINGLE SIDE	:
ACCESS GAS ENGINE DRIVEN	:
ELECTRICAL GENERATING SYSTEM	:

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 19, 2006.

The petition is hereby **GRANTED**.

This application became abandoned for failure to timely submit a proper reply to the Notice of Allowance (Notice) mailed August 3, 2006. Notice of Abandonment was mailed December 1, 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.

This application will be forwarded to the Office of Patent Publication for further processing.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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MARK G. BOCCHETTI
EASTMAN KODAK COMPANY
PATENT LEGAL STAFF
343 STATE STREET
ROCHESTER NY 14650-2201

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OFFICE OF PETITIONS

In re Application of	:	
Dana G. Marsh, et al.	:	
Application No. 11/089,383	:	DECISION ON PETITION
Filed: March 24, 2005	:	
Attorney Docket No. H10264DPS	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 1, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before February 26, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed November 26, 2007. Accordingly, the date of abandonment of this application is February 27, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1440 and the publication fee of $300, (2) the petition fee of $1540; and (3) a proper statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to Ramesh Krishnamurthy at (571)272 - 4914.

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

Authorized for

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

Baker Botts L.L.P
910 Louisiana Street, One Shell Plaza
HOUSTON, TX 77002

Mail Date: 04/20/2010

Applicant	: Rajen Murugan	: DECISION ON REQUEST FOR
Patent Number	: 7577203	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/089,384	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/24/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1182** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CHEN-CHUAN JAO
#7, LANE 72, ZHONG ZHENG SOUTH ROAD
SAN CHUNG CITY
TAIPEI HSIEN TW TAIWAN

COPY MAILED
JAN 08 2010

In re Application of	:	
Chen-Chuan Jao	:	
Application No. 11/089,408	:	DECISION ON PETITION
Filed: March 25, 2005	:	
Attorney Docket No. David Rau-05	:	

This is a decision on the petition, filed October 26, 2009, and supplemented on November 24, 2009, which is being treated as a petition under 37 CFR 1.181(a) to Withdraw Holding of Abandonment.

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

The application was held abandoned for failure to timely reply to the final rejection mailed February 4, 2009.

The petition states that a reply was timely submitted on March 30, 2009. To support this assertion, the petitioner has submitted a copy of the response. However, a review of Office records shows that the above response was received on March 30, 2009, but coded incorrectly as a letter instead of response/amendment.

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

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

This matter is being referred to Technology Center AU 3765 for appropriate action by the Examiner in the normal course of business on the reply received March 30, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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AUG 0 2 2006
OFFICE OF PETITIONS

HOLLAND & KNIGHT LLP
2099 PENNSYLVANIA AVE, N.W.
WASHINGTON DC 20006

In re Application of	:	
Burke Cox et al.	:	
Application No. 11/089,428	:	DECISION ON PETITION
Filed: March 24, 2005	:	TO WITHDRAW
Attorney Docket No. 086302.00007	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 15, 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).

Kevin A. Buford has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

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

for David Bucci
Petitions Examiner
Office of Petitions

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FORTKORT GRETHER + KELTON LLP
8911 N. CAPITAL OF TEXAS HWY.
SUITE 3200
AUSTIN TX 78759

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SEP 07 2005

OFFICE OF PETITIONS

In re Application of Carolan et al. Application No. 11/089,442 Filed: March 24, 2005 Attorney Docket Number: UPUB002US0 Title of Invention: Method and System for Collecting Data to Facilitate Real Time Online Access and Efficient Reporting	DECISION REFUSING STATUS UNDER 37 C.F.R. §1.47(b)

This is in response to the petition under 37 C.F.R. §1.47(b), filed August 26, 2005 (certificate of mailing August 23, 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 C.F.R. §1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 C.F.R. §1.136(a).

The above-identified application was filed on March 24, 2005, without a declaration executed by the inventors Carolan and Isbell. A Notice to File Missing Parts was mailed on April 25, 2005 providing applicant with an extendable two month period for reply. A two month extension of time and accompanying fee were submitted with the petition.

A grantable petition under 37 C.F.R. §1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration; (2) an acceptable oath or declaration; (3) the petition fee; (4) a statement of last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) a showing that such action is necessary to preserve the rights of parties or to prevent irreparable damage. Rule 47 applicant has failed to provide item (2).

As to item (2), applicant failed to submit a properly executed oath or declaration with the petition. In addition to including the non-signing inventor's information, the granting of 47 status requires a rule 47 (b) applicant to make the oath required by 37 CFR §1.63 and §1.64. Where applicant is a corporation, an officer of the corporation normally is required to sign the oath or declaration. The declaration must state the full name, residence, post office address, and citizenship of the non-signing inventor. The title or position of the person signing must also be stated if signing on behalf of a corporation under 37 CFR §1.47(b). See MPEP 409.03(b). A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Mail Stop Petition Randolph Building 401 Dulany Street Alexandria, VA 22314

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FORTKORT GRETHER + KELTON LLP
8911 N. CAPITAL OF TEXAS HWY.
SUITE 3200
AUSTIN TX 78759

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OCT 26 2005

OFFICE OF PETITIONS

In re Application of
David A. Carolan and Maria Isbell
Application No. 11/089,442
Filed: March 24, 2005
Attorney Docket Number: UPUB002US0

Title of Invention: Method and System for Collecting Data to Facilitate Real Time Online Access and Efficient Reporting

DECISION ACCORDING STATUS UNDER 37 C.F.R. §1.47(b)

This is in response to the renewed petition for status under 37 C.F.R. §1.47(b), filed September 27, 2005.

The petition is **GRANTED**.

Applicant has satisfied the requirements of §1.47(b)[1]. Applicant, by declaration of persons with first hand knowledge and documentary evidence, demonstrated that the non-signing inventor has refused to sign the declaration. This declaration has been reviewed and is found in compliance with 1.63 and 1.64. Applicant paid the petition fee and included a statement of the non-signing inventor's last known address in the petition. Proprietary interest in the application has been established.

This application is hereby accorded Rule 1.47(b) status.

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

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

---

[1] A grantable petition under 37 C.F.R. §1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration; (2) an acceptable oath or declaration; (3) the petition fee; (4) a statement of last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) proof of irreparable damage.

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

Charlema R. Grant

Charlema R. Grant

Petitions Attorney

Office of Petitions

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

Fortkort & Houston, P.C.
9442 N. Capital of Texas Highway
Arboretum Plaza One
Suite 500
Austin, TX 78759

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DEC 26 2007

OFFICE OF PETITIONS

In re Application of	:	
David B. Carolan et al.	:	
Application No. 11/089,442	:	DECISION ON PETITION
Filed: March 24, 2005	:	TO WITHDRAW
Attorney Docket No. UPUB002US0	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 8, 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 A. Fortkort on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is no outstanding Office action at this time.

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

T. Williams
Terri Williams
Petitions Examiner
Office of Petitions

cc: **John L. Needham**
Riverside Resources
100 Congress Avenue
Austin, TX 78701

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/089,442	03/24/2005	David B. Carolan	UPUB002US0

CONFIRMATION NO. 1613

POWER OF ATTORNEY NOTICE

58293
FORTKORT & HOUSTON P.C.
9442 N. CAPITAL OF TEXAS HIGHWAY
ARBORETUM PLAZA ONE, SUITE 500
AUSTIN, TX 78759

OC000000027420510

Date Mailed: 12/21/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/08/2007.

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

/tswilliams/

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

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SUITE 3200
AUSTIN TX 78759

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OFFICE OF PETITIONS

In re Application of Carolan et al. Application No. 11/089,443 Filed: March 24, 2005 Attorney Docket Number: UPUB004US0 Title of Invention: Method and System for Providing Real Time Online Data Access and Reporting	DECISION REFUSING STATUS UNDER 37 C.F.R. §1.47(b)

This is in response to the petition under 37 C.F.R. §1.47(b), filed August 26, 2005 (certificate of mailing August 22, 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 C.F.R. §1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 C.F.R. §1.136(a).

The above-identified application was filed on March 24, 2005, without a declaration executed by the inventors Carolan and Isbell. A Notice to File Missing Parts was mailed on April 21, 2005 providing applicant with an extendable two month period for reply. A two month extension of time and accompanying fee were submitted with the petition.

A grantable petition under 37 C.F.R. §1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration; (2) an acceptable oath or declaration; (3) the petition fee; (4) a statement of last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) a showing that such action is necessary to preserve the rights of parties or to prevent irreparable damage. Rule 47 applicant has failed to provide item (2).

As to item (2), applicant failed to submit a properly executed oath or declaration with the petition. In addition to including the non-signing inventor's information, the granting of 47 status requires a rule 47 (b) applicant to make the oath required by 37 CFR §1.63 and §1.64. Where applicant is a corporation, an officer of the corporation normally is required to sign the oath or declaration. The declaration must state the full name, residence, post office address, and citizenship of the non-signing inventor. The title or position of the person signing must also be stated if signing on behalf of a corporation under 37 CFR §1.47(b). See MPEP 409.03(b). A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Mail Stop Petition Randolph Building 401 Dulany Street Alexandria, VA 22314

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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8911 N. CAPITAL OF TEXAS HWY.
SUITE 3200
AUSTIN TX 78759

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OCT 27 2005

OFFICE OF PETITIONS

In re Application of
David A. Carolan and Maria Isbell
Application No. 11/089,443
Filed: March 24, 2005
Attorney Docket Number: UPUB004US0

Title of Invention: METHOD AND SYSTEM FOR PROVIDING REAL TIME ONLINE DATA ACCESS AND REPORTING

DECISION ACCORDING STATUS UNDER 37 C.F.R. §1.47(b)

This is in response to the renewed petition for status under 37 C.F.R. §1.47(b), filed September 28, 2005.

The petition is **GRANTED**.

Applicant has satisfied the requirements of §1.47(b)[1]. Applicant, by declaration of persons with first hand knowledge and documentary evidence, demonstrated that the non-signing inventor has refused to sign the declaration. This declaration has been reviewed and is found in compliance with 1.63 and 1.64. Applicant paid the petition fee and included a statement of the non-signing inventor's last known address in the petition. Proprietary interest in the application has been established.

This application is hereby accorded Rule 1.47(b) status.

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

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

---

[1] A grantable petition under 37 C.F.R. §1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration; (2) an acceptable oath or declaration; (3) the petition fee; (4) a statement of last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) proof of irreparable damage.

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

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Fortkort & Houston P.C.
9442 N. Capital of Texas Highway
Arboretum Plaza One, Suite 500
Austin, TX 78759

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JAN 08 2008

OFFICE OF PETITIONS

In re Application of	:	
David B. Carolan et al.	:	
Application No. 11/089,443	:	DECISION ON PETITION
Filed: March 24, 2005	:	TO WITHDRAW
Attorney Docket No. UPUB004US0	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 8, 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 A. FortKort on behalf of all attorneys of record. All attorneys/agents have been withdrawn.

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

There is no outstanding Office at this time.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **John L. Needham**
Riverside Resources
100 Congress Avenue
Austin, TX 78701

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/089,443	03/24/2005	David B. Carolan	UPUB004US0

CONFIRMATION NO. 1609

POWER OF ATTORNEY NOTICE

58293
FORTKORT & HOUSTON P.C.
9442 N. CAPITAL OF TEXAS HIGHWAY
ARBORETUM PLAZA ONE, SUITE 500
AUSTIN, TX 78759

OC000000027422155

Date Mailed: 12/31/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/08/2007.

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

/tswilliams/

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

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KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

Mail Date: 04/21/2010

Applicant	: Ines M. Aravena	: DECISION ON REQUEST FOR
Patent Number	: 7588559	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/089,446	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/24/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **715** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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BRAKE HUGHES PLC
C/O INTELLEVATE
P.O. BOX 52050
MINNEAPOLIS MN 55402

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AUG 16 2006

OFFICE OF PETITIONS

In re Application of :
John W. Schnell et al :
Application No. 11/089,447 : DECISION GRANTING PETITION
Filed: March 24, 2005 : UNDER 37 CFR 1.137(b)
Attorney Docket No. PC 04-49-1 :

This is a decision on the petition, filed March 10, 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 January 20, 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 23, 2006 accompanies this decision on petition.

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

This application is being referred to Technology Center Art Unit 3723.

Karen Creasy

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
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/089,447	03/24/2005	John W. Schnell	PC 04-49-1

CONFIRMATION NO. 1616

BRAKE HUGHES PLC
C/O INTELLEVATE
P.O. BOX 52050
MINNEAPOLIS, MN 55402

Date Mailed: 08/16/2006

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

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

The projected publication date is 11/23/2006.

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

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

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

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

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

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

Mail Date: 04/20/2010

Applicant	: Samvid H. Dwarakanath	: DECISION ON REQUEST FOR
Patent Number	: 7610214	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/089,452	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/24/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1168** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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PAUL D. YASGER
ABBOTT LABORATORIES
100 ABBOTT PARK ROAD
DEPT. 377/AP6A
ABBOTT PARK, IL 60064-6008

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OCT 29 2008

OFFICE OF PETITIONS

In re Application of	:	
Lee D. Arnold, et. al.	:	
Application No. 11/089,473	:	ON PETITION
Filed: March 24, 2005	:	
Attorney Docket No. 7363US01	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on July 30, 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 December 17, 2007. A Notice of Abandonment was mailed on May 16, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $1,440 for payment of the issue fee and $300 for payment of the publication fee; (2) the petition fee of $1,540; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MCKINNEY LAW, LLC
390 N. ORANGE AVENUE, SUITE 2300
ORLANDO, FL 32801

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OCT 1 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Prelec, Michael L. Sr.	:	
Application No. 11/089,483	:	ON PETITION
Filed: March 24, 2005	:	
Attorney Docket No. 581-01	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 15, 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 a Request for Continued Examination (RCE) and an Amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

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

This matter is being referred to Technology Center AU 2838 for processing of the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

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

JJGJr: 06-06

Paper No: __

CHRISTENSEN, O'CONNOR,
JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE WA 98101-2347

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JUL 10 2006

OFFICE OF PETITIONS

In re Application of
Wood, et al. :
Application No. 11/089,499 : ON PETITION
Filed: 23 March, 2005 :
Attorney Docket No.: TUTH124988 :

This is a decision on the petition filed (with fee) on 28 July, 2005, under 37 C.F.R. §1.182 to correct the order of inventorship to be consistent with the signed oath/declaration.

The petition is **GRANTED**.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of the file jacket and PTO PALM data to reflect the order of inventorship as corrected consistent with that requested by Petitioner Brian D. Krell (Reg. No. 51,899), as follows:

Gregory P. Wood
Phillip V. Cortez
Michael A. Citro

Petitioner is reminded to submit a corrected and supplemental Application Data Sheet (ADS), consistent with the commentary at MPEP §605.04(f), setting forth the corrected order of inventors and their respective residencies, and Petitioner is given one (1) month, and not less than 30 days, to accomplish this task.

This application is being forwarded to OIPE for handling consistent with the decision above.

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
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JJGJR.: 07-05

Paper No: __

CONNOLLY BOVE
LODGE & HUTZ LLP
SUITE 800
1990 M STREET NW
WASHINGTON DC 20036-3425

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JUL 2 6 2005

OFFICE OF PETITIONS

In re Application of
Nakagawaa, et al. :
Application No. 11/089,506 : DECISION ON PETITION
Filing Date: 25 March, 2005
Attorney Docket No. 21581-00194-US3 :

This is a decision on the petition filed on 6 May, 2005, and considered herein under 37 C.F.R. §1.53.

The petition is **DISMISSED without prejudice**.

BACKGROUND

The application was deposited on 25 March, 2005.

On 25 April, 2005, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items (the Notice) stating that the application had been accorded a filing date, but that it appeared that pages 54 & 55, description and claims, had been omitted from the application.

OIPE further informed Petitioner that the alternatives available were to: accept the application as filed; file a petition and make a showing that the omitted items were deposited with the application; or submit the omitted items and accept the date of that submission as the date of filing. OIPE set a two- (2-) month period for reply.

On 6 May, 2005, Petitioner submitted the instant petition and indicated that a date-stamped receipt card (see: MPEP §503[1]) evidenced that no pages were omitted from the application on deposit with the Office.

However, as of this writing, Petitioner has failed to provide copies of the pages previously identified as omitted.

Petitioner is given one (1) month to correct this deficiency, and the period is not extendable under 37 C.F.R. 1.136.

CONCLUSION

The petition is **dismissed without prejudice** and Petitioner has one (1) month from the date of this decision within which to cure the above-described deficiency.

---

[1] MPEP §503 provides in pertinent part:

§503 Application Number and Filing Receipt

* * *

A return postcard should be attached to *each* patent application for which a receipt is desired. It is important that the return postcard itemize all of the components of the application. If the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO). It should be recognized that the identification of an application by application number does not necessarily signify that the USPTO has accepted the application as complete (37 C.F.R. §1.53(a)).

* * *

RETURN POSTCARD

If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).

The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as *prima facie* evidence of receipt of those items.

The person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the post-card initialed by the person receiving the items. Upon return of a postcard receipt from the USPTO, the postcard receipt should be promptly reviewed by the person who filed the items to ensure that every item specifically denoted on the postcard was received by the USPTO. If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as *prima facie* evidence of receipt of that item in the USPTO. (Emphasis supplied.)

Further correspondence with respect to this matter should be addressed as follows:[2]

By mail: Commissioner for Patents[3]
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: IFW Formal Filings
(571) 273-8300
ATTN.: Office of Petitions

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

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

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

[2] On July 15, 2005, the Central Facsimile (FAX) Number will change from (703) 872-9306 to (571) 273-8300. Faxes sent to the old number will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and (571) 273-8300 will be the only facsimile number recognized for centralized delivery. (For further information. see: http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/cfax062005.pdf .)

[3] To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.

UNITED STATES PATENT AND TRADEMARK OFFICE

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JJGJR.: 01-06

Paper No: __

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JAN 1 1 2006

OFFICE OF PETITIONS

CONNOLLY BOVE
LODGE & HUTZ LLP
SUITE 800
1990 M STREET NW
WASHINGTON DC 20036-3425

In re Application of
Nakagawaa, et al. :
Application No. 11/089,506 : DECISION ON PETITION
Filing Date: 25 March, 2005
Attorney Docket No. 21581-00194-US3 :

This is a decision on the petition filed on 5 August, 2005, and considered herein under 37 C.F.R. §1.53.

The petition is **GRANTED**.

BACKGROUND

The application was deposited on 25 March, 2005.

On 25 April, 2005, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items (the Notice) stating that the application had been accorded a filing date, but that it appeared that pages 54 and 55, description and claims, had been omitted from the application.

OIPE further informed Petitioner that the alternatives available were to: accept the application as filed; file a petition and make a showing that the omitted items were deposited with the application; or submit the omitted items and accept the date of that submission as the date of filing. OIPE set a two- (2-) month period for reply.

On 6 May, 2005, Petitioner submitted the original petition, which was dismissed on 26 July, 2005, *inter alia*, for failure to provide with the petition copies of the pages in question. Petitioner was given one month within which to cure the deficiency.

Parenthetically, it is noted that the renewed Petition quotes the following from 26 July, 2005, decision:

> On 6 May, 2005, Petitioner ... indicated that a date-stamped receipt card (see: MPEP §503[1]) evidenced that no pages were omitted from the application on deposit with the Office.

While Petitioner seems to suggest that this statement supports Petitioner's allegation, it is and should be taken as no more than a summary of Petitioner's allegation that: "... Pages 54 and 55 of the specification ... were in fact deposited in the U.S. PTO with the nonprovisional application papers, as evidenced by the attached true copy of the postcard receipt bearing the PTO's date stamp of March 25, 2005 ...."

---

[1] MPEP §503 provides in pertinent part:

§503 Application Number and Filing Receipt

* * *

A return postcard should be attached to *each* patent application for which a receipt is desired. It is important that the return postcard itemize all of the components of the application. If the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO). It should be recognized that the identification of an application by application number does not necessarily signify that the USPTO has accepted the application as complete (37 C.F.R. §1.53(a)).

* * *

RETURN POSTCARD

If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).

The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as *prima facie* evidence of receipt of those items.

The person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the post-card initialed by the person receiving the items. Upon return of a postcard receipt from the USPTO, the postcard receipt should be promptly reviewed by the person who filed the items to ensure that every item specifically denoted on the postcard was received by the USPTO. If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as *prima facie* evidence of receipt of that item in the USPTO. (Emphasis supplied.)

A search of the official file reveals that:

- on 25 March, 2005, Petitioner deposited the instant application;

- the date-stamped ("032506") receipt card evidences the following, in pertinent part:

* * *

Application Data Sheet (4 pages)
Specification (61 pages)
Oath or declaration (2 pages)
Preliminary Amendment (6 pages)

* * *

- the Office record–prior to the original and instant petitions–reflect receipt of pages 1 - 53, 56 - 60 and 61 of the specification (description, claims and abstract, respectively), the oath/declaration and the preliminary amendment; and

- Petitioner now has submitted what he avers are true copies of pages 54 and 55.

Because Petitioner's receipt card adequately itemized the contents of the application on the receipt card, it is concluded that the application, including pages 54 and 55 of the specification (description, claims and abstract) were deposited with the Office on 25 March, 2005, and subsequently were misplaced in the Office.

Accordingly, the application, including pages 54 and 55 of the specification (description, claims and abstract), is entitled to a filing date of 25 March, 2005.

The Notice mailed on 25 April, 2005, was sent in error and is hereby vacated to the extent that it stated that the application was filed omitting pages 54 and 55 of the specification (description, claims and abstract).

CONCLUSION

The petition is **granted** and the petition fee waived and refunded.

This application is released to OIPE for further processing with a filing date of 25 March, 2005, for the entire application with pages 1 - 61 of the specification (description, claims and abstract) using:

- **pages 1 - 53 and 56 - 61 of specification (description, claims and abstract) deposited on 25 March, 2005; and**

- **pages 54 and 55 of specification (description, claims and abstract) deposited on 5 August, 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 25 March, 2005, and reflecting therein that 61 pages of specification (description, claims and abstract) were present on filing.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE, WI 53202

Mail Date: 04/30/2010

Applicant	: Matti Huiku	: DECISION ON REQUEST FOR
Patent Number	: 7635337	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/089,548	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/24/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1207** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/578,918	06/12/2004	Donald J. Stavely	200206881-1

CONFIRMATION NO.

OC000000015593925

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. BOX 272400
Fort Collins, CO 80527-2400

Date Mailed: 03/29/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **03/14/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,553.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
(703) 308-0910

PART 2 - OFFICE COPY

Copied from 60578918 on 04/14/2005

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/549,990	03/05/2004	Cynthia A. Wood	

CONFIRMATION NO.

OC000000015594504

Cynthia A. Wood
41565 Corte Seda
Temecula, CA 92592

Date Mailed: 03/29/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **03/07/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,554.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
(703) 308-0910

PART 2 - OFFICE COPY

Copied from 60549990 on 04/18/2005

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/646,228	01/21/2005	Thomas E. Waschura	WASC1869

CONFIRMATION NO.

OC000000015605428

PENINSULA IP GROUP
A Professional Law Corporation
26150 Bucks Run
Corral de Tierra, CA 93908

Date Mailed: 03/30/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **03/09/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,555.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
(703) 308-0910

PART 2 - OFFICE COPY

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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.
60/646,227	01/21/2005	Andrei Poskatcheev	WASC1870

CONFIRMATION NO.

OC000000015606226

PENINSULA IP GROUP
A Professional Law Corporation
26150 Bucks Run
Corral de Tierra, CA 93908

Date Mailed: 03/30/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **03/09/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,556.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
(703) 308-0910

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A Professional Law Corporation
26150 Bucks Run
Corral de Tierra CA 93908

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AUG 27 2007

OFFICE OF PETITIONS

In re Application of
Poskatcheev
Application No. 11/089,556
Filed: January 21, 2005
Attorney Docket No. WASC1870

ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed on April 18, 2007. A duplicate copy of the petition was submitted on August 17, 2007.

The petition to withdraw the holding of abandonment is **Dismissed**.

Any request for reconsideration should be filed within **TWO MONTHS** of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

This above-identified application was held abandoned for failure to timely reply to the restriction requirement mailed March 31, 2006. The Restriction Requirement set a one (1) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application was held abandoned on May 1, 2006. A Notice of Abandonment was mailed on March 29, 2007.

Petitioners contend the Restriction requirement mailed on March 31, 2006 was not received.

The showing required to establish the failure to receive an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office Communication may have been lost after receipt rather than a conclusion that the Office Communication was lost in the mail.

Although petitioner has indicated that he has reviewed his file and the restriction requirement has not be located, petitioner has failed to state that a search of docket records was conducted. Petitioner has also failed to provide a copy of docket records.

On renewed petition, evidence in support of the petition should be provided.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PENINSULA IP GROUP
A Professional Law Corporation
26150 Bucks Run
Corral de Tierra CA 93908

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Poskatcheev
Application No. 11/089,556
Filed: January 21, 2005
Attorney Docket No. WASC1870

This is a decision on the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181 filed on September 6, 2007.

The petition is **GRANTED**.

This above-identified application was held abandoned for failure to timely reply to the restriction requirement mailed March 31, 2006. The Restriction Requirement set a one (1) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application was held abandoned on May 1, 2006. A Notice of Abandonment was mailed on March 29, 2007. A petition under 37 CFR 1.181 was dismissed on August 27, 2007.

Petitioners contend the Restriction requirement mailed on March 31, 2006 was not received.

The showing required to establish the failure to receive an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office Communication may have been lost after receipt rather than a conclusion that the Office Communication was lost in the mail.

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.

Petitioner is reminded, any arguments as to the quality of the restriction requirement should be directed to Technology Center Art Unit 2816.

In light of applicant's submission of a reply to the restriction requirement on August 17, 2007, the Restriction Requirement does not need to be remailed. This application is being forwarded to Art Unit 2816 for further processing.

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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A Professional Law
Corporation
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Corral de Tierra CA 93908

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OFFICE OF PETITIONS

In re Application of	:	
Poskatcheev et al.	:	DECISION ON PETITION
Application No. 11/089,557	:	
Filed: January 19, 2005	:	
Atty Docket No. WASC1871	:	

This is a decision on the Petition to Withdraw Holding of Abandonment filed April 11, 2007.

The above-identified application became abandoned for failure to file a reply to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed June 15, 2006. This Office action set a one-month period for reply, 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 July 16, 2006. A courtesy Notice of Abandonment was mailed on February 13, 2007.

Applicants contend that a timely response was filed by facsimile transmission on June 20, 2006. 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 with 5 pages sent to the Office's Centralized Facsimile number.

Petitioner's evidence and arguments have been considered and it is concluded that the requirements of 37 CFR § 1.8(b) have been

met. A response is considered timely filed by facsimile transmission on June 20, 2006.

In view thereof, the Notice of Abandonment mailed February 13, 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 2816 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 resubmitted on petition filed April 11, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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P.O. Box 1450
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/472,799	05/21/2003	Steven E. Trupp	

CONFIRMATION NO.

OC000000013322257

Futures Technology Inc
620 Johnson Ave
Bohemia, NY 11716

Date Mailed: 07/23/2004

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(3) TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **05/20/2004,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(3).

A grantable request under 37 CFR 1.53(c)(3) to convert a provisional application to a non-provisional application must be accompanied by the fee set forth in 37 CFR 1.17(i) and an amendment including at least one claim if no claim is present in the provisional application and be filed prior to the earliest of: abandonment of the provisional application filed under 37 CFR 1.53(c) or expiration of twelve months after the filing date of the provisional application filed under 37 CFR 1.53(c). The present request is not grantable because:

It is not accompanied by the amendment including at least one claim in compliance with 35 U.S.C. 112, second paragraph, as required by 37 CFR 1.53(c)(3).

Any request for reconsideration of this decision must be filed within TWO MONTHS of the date of this decision. This time limit may NOT be extended pursuant to 37 CFR 1.136. The request must be accompanied by the items noted above.

Any inquiries related to this decision should be directed to Customer Service at (703) 308-1202.

A copy of this notice MUST be returned with the reply.

JANICE L TIPPETT
Office of Initial Patent Examination

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/472,799	05/21/2003	Steven E. Trupp	

CONFIRMATION NO.

OC000000015744377

FUTERES TECHNOLOGY
P.O. BOX451
BOHEMIA, NY 11716

Date Mailed: 04/14/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on , to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,558.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPRETT
Office of Initial Patent Examination
(703) 308-1202

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/089,558	05/21/2003	Steven E. Trupp	

CONFIRMATION NO. 6769

FUTERES TECHNOLOGY
P.O. BOX451
BOHEMIA, NY 11716

WITHDRAWAL NOTICE

Date Mailed: 02/06/2006

WITHDRAWAL OF PREVIOUSLY SENT NOTICE

The Notice mailed on 11/25/2005 was sent in error and is hereby withdrawn. A corrected Notice is enclosed. The time period for reply runs from the mail date of the corrected Notice. The Office regrets any inconvenience the error may have caused.

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/552,235	03/10/2004	Jesse D. Adams	UNR03-009

CONFIRMATION NO.

OC000000015748258

Richard A. Bjur, JD., PhD.
University of Nevada, Reno
Technology Transfer Office/321
Reno, NV 89557

Date Mailed: 04/14/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **03/04/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,559.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

Janice Tippett

JANICE L TIPPETT
Office of Initial Patent Examination
(703) 308-1202

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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/499,892	09/04/2003	Thomas Michael Rauscher	

CONFIRMATION NO.

OC000000015793292

Rauscher Industries
2257 Via Blanca
Oceanside, CA 92054

Date Mailed: 04/20/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **09/07/2004,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,561.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
(703) 308-1202

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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/499,894	09/04/2003	Thomas Michael Rauscher	

CONFIRMATION NO.

OC000000015793773

Rauscher Industries
2257 Via Blanca
Oceanside, CA 92054

Date Mailed: 04/20/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **09/07/2004,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,562.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/562,963	04/16/2004	Vincent Skurdal	200313941-1

CONFIRMATION NO.

OC000000015794502

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. BOX 272400
Fort Collins, CO 80527-2400

Date Mailed: 04/20/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **03/21/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,563.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/568,512	05/05/2004	Adam C. Brown	200209128-1

CONFIRMATION NO.

OC000000015794742

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. BOX 272400
Fort Collins, CO 80527-2400

Date Mailed: 04/20/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **03/31/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,564.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/646,874	01/24/2005	Thomas E. Waschura	WASC1868

CONFIRMATION NO.

OC000000015794705

PENINSULA IP GROUP
A Professional Law Corporation
Douglas A. Chaikin, Esq.
26150 Bucks Run
Corral de Tierra, CA 93908

Date Mailed: 04/20/2005

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(3) TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **03/25/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(3).

A grantable request under 37 CFR 1.53(c)(3) to convert a provisional application to a non-provisional application must be accompanied by the fee set forth in 37 CFR 1.17(i) and an amendment including at least one claim if no claim is present in the provisional application and be filed prior to the earliest of: abandonment of the provisional application filed under 37 CFR 1.53(c) or expiration of twelve months after the filing date of the provisional application filed under 37 CFR 1.53(c). The present request is not grantable because:

It is not accompanied by the fee required by 37 CFR 1.17(i).

Any request for reconsideration of this decision must be filed within TWO MONTHS of the date of this decision. This time limit may NOT be extended pursuant to 37 CFR 1.136. The request must be accompanied by the items noted above.

Any inquiries related to this decision should be directed to Customer Service at (703) 308-1202.

A copy of this notice MUST be returned with the reply.

JANICE L TIPPETT
Office of Initial Patent Examination

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/646,874	01/24/2005	Thomas E. Waschura	WASC1868

CONFIRMATION NO.

OC000000015908396

PENINSULA IP GROUP
A Professional Law Corporation
Douglas A. Chaikin, Esq.
26150 Bucks Run
Corral de Tierra, CA 93908

Date Mailed: 04/28/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on , to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,565.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
(703) 308-1202

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/567,028	04/29/2004	Karl J. Bois	200311783-2

CONFIRMATION NO.

OC000000015951030

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. BOX 272400
Fort Collins, CO 80527-2400

Date Mailed: 05/05/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **04/07/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,566.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
(703) 308-1202

PART 2 - OFFICE COPY

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Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/555,030	03/19/2004	Adrian Gropper	MDCS-P60-001

CONFIRMATION NO.

OC000000015951399

28120
FISH & NEAVE IP GROUP
ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624

Date Mailed: 05/05/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **03/11/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,567.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L. TIPPETT
Office of Initial Patent Examination
(703) 308-1202

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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/567,169	04/29/2004	Karl J. Bois	200311785-2

CONFIRMATION NO.

OC000000015952430

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. BOX 272400
Fort Collins, CO 80527-2400

Date Mailed: 05/05/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **04/07/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,568.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
(703) 308-1202

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/566,864	04/29/2004	Karl J. Bois	200311786-2

CONFIRMATION NO.

OC000000015952506

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. BOX 272400
Fort Collins, CO 80527-2400

Date Mailed: 05/05/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **04/07/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,569.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPRETT
Office of Initial Patent Examination
(703) 308-1202

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/089,569	04/29/2004	Karl J. Bois	200311786-2

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. BOX 272400
Fort Collins CO 80527-2400

DATE MAILED: February 15, 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

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/562,205	04/14/2004	Barry J. Arnold	200209120-1

CONFIRMATION NO.

OC000000015953687

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

Date Mailed: 05/05/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **04/12/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,571.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L. TIPPETT
Office of Initial Patent Examination
(703) 308-1202

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/569,411	05/07/2004	Gaurav R. Shah	200209784-2

CONFIRMATION NO.

OC000000015996862

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. BOX 272400
Fort Collins, CO 80527-2400

Date Mailed: 05/11/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **04/14/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,572.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
(703) 308-1202

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/580,516	06/16/2004	Larry M. Shultz	OWLF-18978

CONFIRMATION NO.

OC000000016007711

LARRY SHULTZ
2769 Deep Canyon Dr.
Beverly Hills, CA 90210

Date Mailed: 05/12/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **04/18/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,573.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPRETT
Office of Initial Patent Examination
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/568,722	05/07/2004	Gaurav R. Shah	200209787-1

CONFIRMATION NO.

OC000000016007953

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

Date Mailed: 05/12/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **04/14/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,574.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/569,029	05/07/2004	Gaurav R. Shah	200209785-2

CONFIRMATION NO.

OC000000016010125

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

Date Mailed: 05/12/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **04/14/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,575.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPRETT
Office of Initial Patent Examination
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/577,519	06/07/2004	Lei Wang	200300719-2

CONFIRMATION NO.

OC000000016010389

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. BOX 272400
Fort Collins, CO 80527-2400

Date Mailed: 05/12/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **04/20/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,576.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/583,961	06/29/2004	Bruce Doyle	200310028-1

CONFIRMATION NO.

OC000000016011128

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. BOX 272400
Fort Collins, CO 80527-2400

Date Mailed: 05/12/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **04/20/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,577.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
(703) 308-1202

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/571,041	05/14/2004	Derek A. Sherlock	200312054-1

CONFIRMATION NO.

OC000000016012553

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

Date Mailed: 05/12/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **04/20/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,578.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
(703) 308-1202

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/592,572	07/30/2004	Brandon A. Rubenstein	200312572-2

CONFIRMATION NO.

OC000000016046368

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. BOX 272400
Fort Collins, CO 80527-2400

Date Mailed: 05/17/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **04/20/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,579.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
(703) 308-1202

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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OFFICE OF PETITIONS

In re Application of	:	
Rubenstein et al.	:	DECISION ON PETITION TO
Application No. 11/089,579	:	WITHDRAW HOLDING OF
Filed: 30 July, 2004	:	ABANDONMENT
Attorney Docket No. 200312572-2	:	

This is a decision on the paper filed on 22 September, 2006, which is treated as a petition 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 final Office action mailed on 17 January, 2006, which set a three (3) month shortened statutory period for reply. Notice of Abandonment was mailed on 6 September, 2006.

Petitioner asserts that a Request for Continued Examination and amendment as the submission under 37 CFR 1.114 were timely filed by facsimile on 12 May, 2006. In support, petitioners have supplied a copy of an RCE Request and amendment. The RCE Request form also contains authorization to charge the RCE fee and a one (1) month extension of time. The RCE Request contains a Certificate Under 37 CFR 1.8 dated 12 May, 2006, signed by Doreen Zabinski. Petitioners have also supplied a copy of the USPTO's Auto-Reply Facsimile Transmission showing 12 pages, including the first page of the RCE Request, were received at the USPTO on 12 May, 2006.

Any petition to withdraw the holding of abandonment based on a Certificate of Transmission by facsimile must include the following requirements:

(1) A copy of the original response bearing a signed Certificate of Transmission which includes the date of signing; and

(2) A statement under 37 CFR 1.8(b)(3) attesting on personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission (*see* 37 CFR 1.8 and MPEP 512).

As petitioners have provided convincing evidence that a reply to the final Office action was transmitted to the USPTO on 12 May, 2006, the showing of record is that a response was timely filed, and there is no abandonment in fact.

A review of Office financial records reveals that the RCE Request and extension of time fees were received on 12 May, 2006.

The application is being referred to Technology Center Art Unit 2833 for further processing.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/584,975	07/02/2004	Lei Wang	200315565-1

CONFIRMATION NO.

OC000000016089368

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

Date Mailed: 05/23/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **04/20/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,580.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
(703) 308-1202

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/591,837	07/28/2004	Yong Wang	200400179-2

CONFIRMATION NO.

OC000000016090667

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. BOX 272400
Fort Collins, CO 80527-2400

Date Mailed: 05/23/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **04/20/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,581.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L. TUPPETT
Office of Initial Patent Examination
(703) 308-1202

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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/582,604	06/24/2004	Thomas W. Chen	200313481-1

CONFIRMATION NO.

OC000000016090887

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. BOX 272400
Fort Collins, CO 80527-2400

Date Mailed: 05/23/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **04/20/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,582.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L. TIPPETT
Office of Initial Patent Examination
(703) 308-1202

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/561,978	04/14/2004	Robert Hundt	200313028-1

CONFIRMATION NO.

OC000000016093512

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. BOX 272400
Fort Collins, CO 80527-2400

Date Mailed: 05/23/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **04/14/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,584.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/561,977	04/14/2004	Robert Hundt	200313027-1

CONFIRMATION NO.

OC000000016094305

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. BOX 272400
Fort Collins, CO 80527-2400

Date Mailed: 05/23/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **04/14/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,585.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
(703) 308-1202

PART 2 - OFFICE COPY

Copied from 60561977 on 06/02/2005

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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/590,266	07/21/2004	Andrew R. Wheeler	200404278-1

CONFIRMATION NO.

OC000000016094427

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. BOX 272400
Fort Collins, CO 80527-2400

Date Mailed: 05/23/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **04/28/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,586.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
(703) 308-1202

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/590,266	07/21/2004	Andrew R. Wheeler	200404278-1

CONFIRMATION NO.

OC000000016094427

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. BOX 272400
Fort Collins, CO 80527-2400

Date Mailed: 05/23/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **04/28/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,586.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
(703) 308-1202

PART 2 - OFFICE COPY

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/586,050	07/07/2004	Timothy C. Fischer	200208726-1

CONFIRMATION NO.

OC000000016095104

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. BOX 272400
Fort Collins, CO 80527-2400

Date Mailed: 05/24/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **04/20/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,588.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPRETT
Office of Initial Patent Examination
(703) 308-1202

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/294,924	05/31/2001	Stephen W. Blessin	00-691LUS

CONFIRMATION NO.

OC000000016306641

719
CATERPILLAR INC.
100 N.E. ADAMS STREET
PATENT DEPT.
PEORIA, IL 616296490

Date Mailed: 06/16/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **01/11/2002,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,590.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
(703) 308-1202

PART 2 - OFFICE COPY

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/516,308	11/03/2003	Hajo Rieck	V24530

CONFIRMATION NO.

OC000000016569308

7055
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

Date Mailed: 07/20/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **11/03/2004,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,591.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
(703) 308-1202

PART 2 - OFFICE COPY

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/571,832	05/17/2004	Adrian Gropper	MDCS-P60-002

CONFIRMATION NO.

OC000000016630208

28120
FISH & NEAVE IP GROUP
ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624

Date Mailed: 07/27/2005

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **05/16/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/089,592.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
(703) 308-1202

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Copied from 60571832 on 08/18/2005

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

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JUN 0 5 2006

OFFICE OF PETITIONS

In re Application of	:	
Chatterji et al.	:	
Application No. 11/089,609	:	ON PETITION
Filed: March 25, 2005	:	
Attorney Docket No. HES 2003-IP-011697U1	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 25, 2005, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a Declaration from applicant, Jiten Chatterji. 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 3676 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
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VENABLE, CAMPILLO, LOGAN & MEANEY, P.C.
1938 E. OSBORN RD
PHOENIX, AZ 85016-7234

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FEB 1 2 2009

OFFICE OF PETITIONS

In re Application of	:	
John REXROAD	:	
Application No. 11/089,621	:	DECISION ON PETITION
Filed: March 24, 2005	:	TO WITHDRAW
Attorney Docket No. PHLV0736-048	:	FROM RECORD
	:	

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 20, 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 Lance C. Venable on behalf of the attorneys of record associated with Customer No. 26948.

The attorneys of record associated with Customer No. 26948 have been withdrawn.

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

The correspondence of address of record has been changed and the new address is the address indicated below until otherwise properly notified by the applicant.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: JOHN REXROAD
500 MAIN ST., P.O. BOX 1019
DEEP RIVER, CT 06417

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CYPRESS SEMICONDUCTOR CORPORATION
198 CHAMPION COURT
SAN JOSE, CA 95134-1709

Mail Date: 04/21/2010

Applicant	: Steve Whelan	: DECISION ON REQUEST FOR
Patent Number	: 7653118	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/089,630	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **755** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE, WA 98104

Mail Date: 04/21/2010

Applicant	: Jeremy P. Hilton	: DECISION ON REQUEST FOR
Patent Number	: 7613764	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/089,650	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/25/2005	: 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.

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE, WA 98104

Mail Date: 04/21/2010

Applicant	: Jeremy P. Hilton	: DECISION ON REQUEST FOR
Patent Number	: 7613765	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/089,653	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/25/2005	: 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

Paper No. None

FAY SHARPE LLP
1100 SUPERIOR AVENUE, SEVENTH FLOOR
CLEVELAND OH 44114

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JUN 21 2007

OFFICE OF PETITIONS

In re Application of Arthur J. Epstein et al. Application No. 11/089,676 Filed: March 25, 2005 Attorney Docket Number: OSUZ 200016 Title: MULTIFUNCTIONAL DOPED CONDUCTING POLYMER-BASED FIELD EFFECT DEVICES	DECISION ON PETITION UNDER 37 C.F.R. § 1.181(A)

This is a decision on the submission entitled "Request for Certificate of Mailing Date - Office has no Record of Receipt," which is properly treated as a petition under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on April 9, 2007.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed August 2, 2006, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on November 3, 2006. A notice of abandonment was mailed on March 19, 2007.

With the present petition, Petitioner has asserted that a response was sent to the Office on February 2, 2007, along with a three-month extension of time.

It appears that the response was not matched with the present file until after the mailing of the notice of abandonment. Petitioner has indicated that the Office received this response,

but it was not matched with the correct application file, because Applicants placed the wrong serial number on the submission - the submission bears the serial number 10/089,676. Petitioner is reminded that errors such as occurred can result in loss of rights and care must be taken to avoid such.

It is clear that on February 2, 2007, Petitioner submitted a response (the submission contains a certificate of mailing dated February 2, 2007), along with a three-month extension of time. This filing and the concurrently submitted fee were associated with application number 10/089,676, per Petitioner's instructions.

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

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

The response to the non-final Office action has been moved from the electronic file associated with 10/089,676, and placed into the electronic file associated with 11/089,676. The related extension of time fee will be moved in due course.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the response to the non-final Office action, received on February 5, 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

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Commissioner for Patents
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SAWYER LAW GROUP, LLP
P.O. Box 51418
Palo Alto, CA 94303

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OFFICE OF PETITIONS

In re Application of	:	
Mokhtar Kandil, et. al.	:	
Application No. 11/089,677	:	ON PETITION
Filed: March 25, 2005	:	
Attorney Docket No.	:	
CA920040140US1/3426P	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on December 17, 2008, to revive the above-identified application.

The application became abandoned for failure to file a proper reply to the final Office action mailed on May 21, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) under 37 CFR 1.114 with the $810 filing fee; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application is being revived for consideration of the RCE filed on December 17, 2008.

The application file is being referred to Technology Center Art Unit 2166, for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

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

Andrea Smith
Petitions Examiner
Office of Petitions

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SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA GA 30309

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OFFICE OF PETITIONS

In re Application of	:	
Kenneth D. Hughes	:	DECISION ACCORDING STATUS
Application No. 11/089,678	:	UNDER 37 CFR 1.47(b)
Filed: 25 March, 2005	:	
Atty Docket No. 22787-0002	:	

This is in response to the petition filed on 1 July, 2005, under 37 CFR 1.47(b).

The petition is **GRANTED**.

Petitioner has shown that the sole inventor has refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, petitioners shown that a copy of the application was sent to the non-signing inventor's counsel. The non-signing inventor, however, has failed to sign and return the declaration. In addition, petitioners have shown, via a copy of the Employee Invention and Confidentiality Agreement signed by the non-signing inventor, that petitioner Water Visions International, Inc. has a proprietary interest in the above-identified application. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63, signed by Arthur Johnston, Chief Executive Officer of Water Visions International, Inc., and has demonstrated that such action is necessary to preserve the rights of the parties.

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

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

The application file is being forwarded to Technology Center 2875 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

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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DIW Aug-05

Kenneth D. Hughes
765 Bellemeade Place
Alpharetta GA 30004

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AUG 0 4 2005

OFFICE OF PETITIONS

In re Application of
Kenneth D. Hughes
Application No. 11/089,678
Filed: 25 March, 2005
For: MATERIALS FOR STORING AND RELEASING RADIOACTIVE GASES

Dear Mr. Hughes:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

DIWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, NE
ATLANTA GA 30309

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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MORRISON & FOERSTER, LLP
755 PAGE MILL ROAD
PALO ALTO, CA 94304-1018

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MAR 17 2008

OFFICE OF PETITIONS

In re Application of	:	
SOANE, et al.	:	
Application No. 11/089,685	:	DECISION ON PETITION
Filed: March 24, 2005	:	TO WITHDRAW
Attorney Docket No. **AVNT-014PPN**	:	FROM RECORD
	:	

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 11, 2007.

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

A review of the file record indicates that the power of attorney to **MORRISON & FOERSTER, LLP** has been revoked by the assignee of the patent application on July 12, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **JACQUELINE S. LARSON**
245 AVINGTON ROAD
ALAMEDA, CA 94502

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

MAILED

NOV - 8 2005

Technology Center 2100

In re Application of: KITAMURA
Application No. 11/089,689
Filed: March 24, 2005
For: METHOD AND APPARATUS FOR MONITORING THE QUANTITY OF DIFFERENTIAL DATA IN A STORAGE SYSTEM

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION) UNDER MPEP §708.02 (VIII)

This is a response to the petition filed 08 September 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**. However, it is suggested that if the identical statement is being made to distinguish each reference from an independent claim, as in the instant petition, then the statement should simply be made once in the petition. (E.g., "Regarding independent claim 1, none of the references disclose . . . .")

The application file is being forwarded to the Examiner of Record for accelerated examination according to the procedures set forth in MPEP § 708.02, Section VIII.

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

ds

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MAY - 9 2005

David E. Newhouse, Esq.
NEWHOUSE & ASSOCIATES
477 Ninth Avenue, 112
San Mateo, CA 94402-1858

In re application of Alan Alexander Burns Application No. 11/089,694 Filed: March 25, 2005 For: SELF-POWERED TETHERED DECOY FOR HEAT-SEEKING TRANSPORT AIRCRAFT MISSILE DEFENSE	: : : :	**DECISION ON PETITION TO MAKE SPECIAL (APPLICANT'S AGE)**

This is a decision on the petition submitted on March 25, 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. Burns 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
(571) 272-6611

SNM/pav: 05/05/05

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William W. Stagg
Durio, McGoffin, Stagg & Ackermann, P.C.
P.O. Box 51308
Lafayette, LA 70505

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SEP 30 2005

OFFICE OF PETITIONS

In re Application of Guidroz :
Application No. 11/089,706 :
Filing Date: June 23, 2005 :
For: PIPE PICK-UP AND :
LAYDOWN APPARATUS :

Decision on Petition

This is a decision on the petition filed June 23, 2005, to consider Figure 11, to be part of the application and to accord the above-identified application a filing date of June 23, 2005, the date Figure 11 was filed.

The petition is **granted**.

The application was filed on March 24, 2005.

On April 25, 2005, a Notice was mailed stating that Figure 11 described in the specification did not appear to be included as part of the application filed. The Notice stated that, unless a petition was filed, the application would be examined without the missing drawing.

In response, the present petition supplies the omitted item and requests that the date that Figure 11 is being supplied be the filing date of the application.

The application has been be accorded a filing date of March 24, 2005. The drawing sheet containing Figure 11 will be entered as part of the application.

The declaration filed on March 24, 2005, refers to the application as deposited on March 24, 2005, and does not refer to Figure 11, since Figure 11 was not included with the application papers deposited on March 24, 2005. Accordingly, a supplemental oath or declaration by the inventors must be supplied. The supplemental oath or declaration must identify the specification to which it is directed and must clearly refer to the addition of new subject matter. For example, since petitioner is seeking to amend the application to add Figure 11, a proper declaration might include language such as, "the specification of which was filed on March 24, 2005, as Application Number 11/089,706, and was amended on June 23, 2005. I hereby declare the subject matter of the ... amendment filed on June 23, 2005, was part of the invention and was invented before the filing date of the original application, above identified for such invention."

The supplemental declaration must be accompanied by the surcharge required under 37 CFR 1.16(e).

The supplemental oath or declaration is required before payment of the issue fee or any earlier time set by the examiner.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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William W. Stagg
Durio, McGoffin, Stagg & Ackermann, P.C.
P.O. Box 51308
Lafayette, LA 70505

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OCT 1 1 2005

OFFICE OF PETITIONS

In re Application of Guidroz :
Application No. 11/089,706 :
Filing Date: June 23, 2005 :
For: PIPE PICK-UP AND :
LAYDOWN APPARATUS :

Decision on Petition

This is a *corrected* decision on the petition filed June 23, 2005, to consider Figure 11, to be part of the application and to accord the above-identified application a filing date of June 23, 2005, the date Figure 11 was filed.

The petition is **granted**.

The application was filed on March 24, 2005.

On April 25, 2005, a Notice was mailed stating that Figure 11 described in the specification did not appear to be included as part of the application filed. The Notice stated that, unless a petition was filed, the application would be examined without the missing drawing.

In response, the present petition supplies the omitted item and requests that the date that Figure 11 is being supplied be the filing date of the application.

The application has been be accorded a filing date of March 24, 2005. The drawing sheet containing Figure 11 will be entered as part of the application.

The supplemental declaration filed with the petition has been reconsidered and will be entered. The prior decision is vacated to the extent the decision stated a new supplemental oath or declaration was necessary.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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HOWARD EISENBERG, ESQ.
2206 APPLEWOOD COURT
PERKASIE PA 18944

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OCT 1 0 2006

OFFICE OF PETITIONS

In re Application of	:	
Gordon J. Dow et al.	:	
Application No. 11/089,713	:	DECISION ON PETITION
Filed: March 24, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 767.0035	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 28, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a signed Declaration under 37 C.F.R 1.102(c)(1) stating that applicant is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Charles Smoot at 571-272-3299.

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

The application is being forwarded to the Technology Center Art Unit 1617 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 4-2-09 Paper No.: _____

TO SPE OF : ART UNIT 2833

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/089717 Patent No.: 704495

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

FOR IFW FILES: Should COFC be approved

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

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

FOR PAPER FILES:

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

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

C 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: @ (62) - no change is requested - but "2004" should be -2003-

@ col. 1 and col. 11 - both errors are in the original spec. & are applicant's errors, but are approved

@ col. 12 - change approved

/renee s luebke/
Renee Luebke — **SPE**

2833 — **Art Unit**

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OFFICE OF PETITIONS

MICHAEL K. LINDSEY
GAVRILOVICH, DODD & LINDSEY, LLP
3303 N. SHOWDOWN PL.
TUCSON AZ 85749

In re Application of	:	
Cherng-Daw Hwang et al	:	
Application No. 11/089,719	:	DECISION ON PETITION
Filed: March 25, 2005	:	
Attorney Docket No. 7001.P002	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal rejection mailed September 9, 2009, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 2614 for appropriate action by the Examiner in the normal course of business on the reply received March 15, 2010.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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GREENBERG TRAURIG
3773 HOWARD HUGHES PARKWAY
SUITE 500 NORTH
LAS VEGAS NV 89169

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JUN 0 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Michael Alan Christian	:	
Application No. 11/089,722	:	DECISION ON PETITION
Filed: March 25, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 071057	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 6, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the applicant declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3711 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

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3773 HOWARD HUGHES PARKWAY
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LAS VEGAS NV 89169

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OFFICE OF PETITIONS

In re Application of :
Michael Alan Christian :
Application Number: 11/089722 :
Filing Date: 03/25/2005 : ON PETITION
Attorney Docket Number: 071057 :

This is a decision on the petition under 37 CFR 1.137(b)[1] filed on September 18, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on August 30, 2007, for failure to timely submit an Appeal Brief in response to the Notice of Appeal filed on June 29, 2007, which set a two (2) 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 February 7, 2008.

Receipt of the Request for Continued Examination (RCE) and amendment as the submission under 37 CFR 1.114, submitted with the present petition is acknowledged.

---

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

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

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

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

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

The application is referred to Technology Center Art Unit 3711 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

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BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS TX 75201-2980

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DEC 0 8 2005

OFFICE OF PETITIONS

In re Application of	:	
Schwarz, Syed and Young	:	DECISION REFUSING STATUS
Application No. 11/089,730	:	UNDER 37 CFR 1.47(a)
Filed: March 25, 2005	:	
Title: Active Storage Area Network Discovery	:	
System and Method	:	

This is in response to the petition under 37 CFR 1.47(a), filed November 22, 2005. Applicants obtained an extension of time for response within the fifth-month. Therefore, the petition is filed timely.

The petition is **dismissed**.

Applicants are given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor(s). Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a). No additional petition fee is necessary for filing a request for reconsideration.

In the Declaration of Facts, Attorney Chad C. Walters stated that on March 25, 2005, Theresa J. Jackson, a paralegal at Computer Associates, Inc. ("CA"), mailed a package to the non-signing inventor, William Schwarz, at his last known address via U.S. Certified Mail. The package included a Declaration and Power of Attorney and Assignment documents for execution by Mr. Schwarz. On April 21, 2005, the package was returned to CA. On November 7, 2005, Mr. Walters stated that he called directory assistance in Sayville, New York and was told there was no listing for the Schwarz residence at 251 Middle Road, Sayville, NY 11782. Applicants included copies of the letter to the non-signing inventor, the U.S. Certified Mail form for the aforementioned package, and the USPS Track and Confirm information with the present petition.

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

As to item (1), the Office notes that applicants have failed to submit sufficient evidence to prove that diligent efforts have been made to locate non-signing inventor Schwarz. See MPEP 403.03(d).

Initially, the Office notes that applicants did not provide a statement from Ms. Jackson, a person with firsthand knowledge of the events. Additionally, it does not appear that applicants made a diligent effort to reach Mr. Schwarz other than to contact directory assistance. If attempts to obtain a forwarding address and to locate the non-signing inventor by other means such as through E-mail, telephone, or the Internet 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 firsthand knowledge of the details. Applicants should submit documentary evidence such as a copy of an envelope returned as undeliverable or the results of an E-mail or Internet search. Furthermore, the Office notes that a brief Internet search indicates that inventor Schwarz may be residing in Fredericksburg, Virginia.

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

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

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

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

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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MAR 2 8 2006

OFFICE OF PETITIONS

In re Application of	:	
Schwarz, Syed and Young	:	DECISION NOTING JOINDER OF
Application No. 11/089,730	:	INVENTOR AND PETITION
Filed: March 25, 2005	:	UNDER 37 CFR 1.47(a) MOOT
Title: Active Storage Area Network Discovery	:	
System and Method	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed on March 3, 2006.

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

This matter is being referred to Technology Center Art Unit 2819.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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JJGJR.: 05-06

Paper No:__

INTEL/BLAKELY
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR
LOS ANGELES CA 90025-1030

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MAY 30 2006

OFFICE OF PETITIONS

In re Application of	:	
Andideh, et al.	:	DECISION
Application No. 11/089,738	:	
Filing Date: 24 March, 2005	:	
Attorney Docket No.: 42P3955DC	:	

This is a decision on the petition filed on 25 April, 2006, requesting withdrawal of the holding of abandonment under 37 C.F.R. §1.181.

For the reasons set forth below, the petition as considered under 37 C.F.R. §1.181 is **DISMISSED**.

BACKGROUND

The record reflects that:

- Petitioner failed to reply timely and properly to the final Office action mailed on 17 May, 2005, with reply due absent an extension of time on or before 17 August, 2005;
- the Office mailed the Notice of Abandonment on 28 March, 2006;
- on 25 April, 2006, Petitioner filed the instant petition and alleged the timely filing of a reply in the form of an amendment, a copy of the amendment, a copy of a request and fee for extension of time and a receipt card, all dated (Monday) 19 September, 2005 (with a signed/dated certificate of mailing of that date), and the receipt card was date-stamped 22 September, 2005;

- it also appears that Office records reflect receipt on 22 September, 2005, of the above-referenced submission by Petitioner, as well as the action of the Office rescinding abandonment on 20 April, 2006.

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[1]

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority. The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.[2]

Delays in responding properly raise the question whether delays are unavoidable.[3] Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).[4] And the Petitioner must be diligent in attending to the matter.[5] Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[6]))

---

[1] 35 U.S.C. §133 provides:
35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[2] Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.

[3] See: *Changes to Patent Practice and Procedure*; *Final Rule Notice*, 62 *Fed. Reg.* at 53158-59 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* at 86-87 (October 21, 1997).

[4] See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

[5] See: Diligence in Filing Petitions to Revive and Petitions to Withdraw the Holding of Abandonment, 1124 Off. Gaz. Pat. Office 33 (March 19, 1991). It was and is Petitioner's burden to exercise diligence in seeking either to have the holding of abandonment withdrawn or the application revived. See 1124 Off. Gaz. Pat. Office supra.

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

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.[7]

And it appears that Petitioner has satisfied his burden herein.

However, it also appears that the Office acted prior to the filing of the instant petition to grant the relief Petitioner now seeks.

CONCLUSION

Because it appears that the Office previously has acted to provide the relief that Petitioner seeks herein, the instant petition as considered under 37 C.F.R. §1.181 hereby is **dismissed as moot**.

The instant application is released to Technology Center 3700 for further processing 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

[7] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

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DRINKER BIDDLE & REATH LLP
ATTN: PATENT DOCKET DEPT.
191 N. WACKER DRIVE, SUITE 3700
CHICAGO, IL 60606

Mail Date: 07/20/2010

Applicant	: Seung-yun Lee	: DECISION ON REQUEST FOR
Patent Number	: 7649563	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/089,740	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/25/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **901** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
BLDG. K1-3A59
NISKAYUNA, NY 12309

Mail Date: 06/08/2010

Applicant	: Wenwu Zhang	: DECISION ON REQUEST FOR
Patent Number	: 7667157	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/089,750	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/24/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **844** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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1938 E. OSBORN RD
PHOENIX, AZ 85016-7234

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OFFICE OF PETITIONS

In re Application of :
John Rexroad :
Application No. 11/089,752 : ON PETITION
Filed: March 24, 2005 :
Attorney Docket No. PHLVO736-053 :

This is a decision on the petition filed September 5, 2007 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the formal drawings in a timely manner in reply to the Notice of Allowance mailed July 31, 2006, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on November 1, 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 formal drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

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

This matter is being referred to the Publishing Division for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

Mail Date: 04/27/2010

Applicant	: Mark D. Peterson	: DECISION ON REQUEST FOR
Patent Number	: 7583325	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/089,757	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **942** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SQUIRE, SANDERS & DEMPSEY LLP
1 MARITIME PLAZA
SUITE 300
SAN FRANCISCO CA 94111

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AUG 17 2005

OFFICE OF PETITIONS

In re Application of
Syed F. A. Hossainy, Steven Z. Wu, Manish Gada, and Anthony Andreacchi
Application No. 11/089,763
Filed: March 25, 2005
Attorney Docket Number: 50623.00516
Title: COATING FOR IMPLANTABLE DEVICES AND A METHOD OF FORMING THE SAME

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), filed July 1, 2005.

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

(1) the petition fee of $130;

(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);

(3) a statement of the last known address of the non-signing inventors;

(4) either

a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or

b) proof that the non-signing inventor cannot be found or reached after diligent effort;

(5) a declaration which complies with 37 CFR §1.63.

The above-identified application was filed on March 25, 2005, identifying Syed F. A. Hossainy, Steven Z. Wu, Manish Gada, and Anthony Andreacchi as joint inventors. An executed oath or declaration was not submitted on filing, nor prior to the filing of the present petition.

Submitted with the present petition, is a declaration signed by each of the joint inventors save Mr. Wu. While the signature of Mr. Wu is absent from the declaration, Petitioner has met each of the 5 requirements set forth above.

Accordingly, the petition is **GRANTED** and this application is hereby accorded Rule 1.47(a) status.

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

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

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

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Patent Services
101 Columbia Road AB-2
P O Box 2245
Morristown NJ 07962-2245

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OFFICE OF PETITIONS

In re Application of
Christopher D. MARTIN
Application No. 11/089,768
Filed: 3/25/2005
Attorney Docket No. H0008282-0555

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed 12/27/2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before 11/26/2007, as required by the Notice of Allowance and Fee(s) Due, mailed 8/24/2007. Accordingly, the date of abandonment of this application is 11/27/2007.

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

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 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.

Chris Bott

for David A. Bucci
Petitions Examiner
Office of Petitions

cc: SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 GARDEN CITY PLAZA, SUITE 300
GARDEN CITY, NEW YORK 11530

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BEDMINSTER, NJ 07921

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MAY 19 2009

OFFICE OF PETITIONS

In re Application of :
Marian Croak, et. al. :
Application No. 11/089,776 : ON PETITION
Filed: March 25, 2005 :
Attorney Docket No. ATT2005-0018 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 26, 2009, to revive the above-identified application.

The application became abandoned for failure to file a reply to the non-final Office action mailed November 15, 2007. A Notice of Abandonment was mailed on June 6, 2008.

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

This application file is being referred to Technology Center Art Unit 2619 for appropriate action by the Examiner in the normal course of business on the amendment filed with the present petition.

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

Andrea Smith
Petitions Examiner
Office of Petitions

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KRIEGER INTELLECTUAL PROPERTY, INC.
P.O. BOX 1073
CAMAS WA 98607

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AUG 2 6 2008

OFFICE OF PETITIONS

In re Application of :
Ayyagari et al. :
Application No. 11/089792 : ON PETITION
Filing or 371(c) 03/23/2005 :
Attorney Docket Number: SLA1658 :

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed June 6, 2008. 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 Notice of Allowability, mailed January 28, 2008. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on April 29, 2008. A Notice of Abandonment was mailed May 14, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply to wit – a Substitute oath/declaration; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

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

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

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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

Mail Date: 04/21/2010

Applicant	: Hisakazu Kuramoto	: DECISION ON REQUEST FOR
Patent Number	: 7602987	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/089,807	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/24/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **955** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 6/7/2007

TO SPE OF : ART UNIT 2800 (2819)

SUBJECT : Request for Certificate of Correction on Patent No.: 7,098,815
Attn: Khai M. Nguyen

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

Please complete this form and return with file *(PFW), within 7 days to:
Certificates of Correction Branch – 2900 South Tower ste.9A43A
Palm location **7580** or forward *(IFW) to scanning using document code **COCX**.

***Ok to enter changes to claims 1 & 18 as req. in COCIN?**

Thank You For Your Assistance

Ernest C. White, LIE (703) 308-9390x122
Certificates of Correction Branch

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

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

Comments:

Redford Barnie
SPE

2819
Art Unit

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SCHERING-PLOUGH CORPORATION
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530

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OFFICE OF PETITIONS

In re Application of	:	
Wu et al.	:	DECISION ON PETITION
Application No. 11/089,858	:	
Filed: March 25, 2005	:	
Atty Docket No. CD01504B	:	

This is a decision on the PETITION UNDER 37 C.F.R. §1.137(a) FOR WITHDRAWAL OF AN UNAVOIDABLY ABANDONED APPLICATION filed January 6, 2009, which is properly considered as a petition under 37 CFR 1.181 (no-fee) to withdraw the holding of abandonment[1] on the basis that the Office action was not received at the correspondence address of record.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed April 23, 2008. 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 timely filed and no extension of time obtained, the application became abandoned effective July 24, 2008. A courtesy Notice of Abandonment was mailed on December 24, 2008.

In response, applicants promptly filed the instant petition. Applicants state that no Office action was received and thus, applicants' attorney had no notice of an outstanding Action or of the corresponding pending deadline for filing a Reply.

[1] See page 3 of petition, wherein petitioner requests withdrawal of the holding of abandonment, or alternatively revival pursuant to either §1.137(a) or if not, §1.137(b).

Further, applicants point out the presence of the Office action in the record of the application as returned mail.

A review of the records confirms the alleged irregularity in the mailing of the Office action mailed April 23, 2008 in this application. The returned Office action addressed to the correspondence address of record was returned on April 28, 2008 to the Office.

Thus, the record supports petitioner's claim of non-receipt.

In view thereof, the notice of abandonment mailed December 24, 2008 and the holding of abandonment are hereby **WITHDRAWN**.

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

No fee is required on petition under § 1.181.

Since consideration of the petition under 37 CFR 1.137(a) is unnecessary, no petition fee for such consideration is being charged to the Deposit Account. The petition fee of $540 is being refunded to the Deposit Account.

Technology Center AU 1624 has been advised of this decision. The application is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for processing of the response submitted on petition filed January 6, 2009.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Paper No.

WILSON SONSINI
GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

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SEP 26 2008

In re Patent No. 7,361,466	:	
Korlach et al.	:	DECISION ON REQUEST
Issue Date: April 22, 2008	:	FOR
Application No. 11/089,871	:	RECONSIDERATION OF
Filed: March 25, 2005	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 33205-722	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT AND APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705," filed May 28, 2008. Patentees assert that the patent term adjustment indicated on the patent should be corrected from two hundred thirteen (213) days to two hundred forty-one (241) days

The request for reconsideration of the patent term adjustment under § 1.705(d) is **DISMISSED**.

Patentees are given **TWO (2) MONTHS** from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

On April 22, 2008, the above-identified application matured into U.S. Patent No. 7,361,466, with a revised Patent Term Adjustment of 213 days. The instant request for reconsideration filed May 28, 2008 was timely filed within 2 months of the date the patent issued. See § 1.705(d). Patentees assert that an additional period of adjustment of 28 days should have been entered for the Office taking in excess of three years to issue the patent.

With respect to §1.703(b), it is noted that the patent issued three years and 28 days after its filing date. However, the period for over 3 year pendency does not overlap only to the

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

Any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap, with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. Further, in considering the overlap, the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). See 35 U.S.C. 154(b)(1)(B); 35 U.S.C. 154(b)(2)(A); and 37 CFR 1.703(f). In this instance, it was properly concluded that the 306 days accorded pursuant to 1.702(a)(1) for Office delay during the pendency of the application overlapped with the 28 days pursuant to 1.703(b). Thus, no additional periods of adjustment was entered for Office delay in issuing the patent.

In view thereof, the patent term adjustment of 213 days indicated in the patent is correct.

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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

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AUG 15 2008

In re Application of	:	
Yuichi Umeda	:	
Application No. 11/089,880	:	DECISION ON PETITION
Filed: March 25, 2005	:	TO WITHDRAW
Attorney Docket No. ALPSP196	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 6, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Beyer Weaver, LLP has been revoked by the assignee of the patent application on May 15, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: BEYER LAW GROUP, LLP
PO BOX 1687
CUPERTINO, CA 95015-1687

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITE 1900
1211 S.W. FIFTH AVE.
PORTLAND, OR 97204

Mail Date: 04/21/2010

Applicant	: Nandakishore Kushalnagar	: DECISION ON REQUEST FOR
Patent Number	: 7574176	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/089,888	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/24/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1175** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITE 1900
1211 S.W. FIFTH AVE.
PORTLAND, OR 97204

Mail Date: 04/21/2010

Applicant	: Nandakishore Kushalnagar	: DECISION ON REQUEST FOR
Patent Number	: 7574176	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/089,888	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/24/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1175** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : AUGUST 14, 2007

TO SPE OF : ART UNIT 3677

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/089,891 Patent No.: 7112024 B2

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

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within **7** days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

DO NOT SENT TO ATTORNEY

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within **7** days, to:

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

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

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

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

Comments: _____

SPE

3673
Art Unit

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THOMAS M. FREIBURGER
P.O. BOX 1026
TIBURON, CA 94920

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JAN 31 2007

OFFICE OF PETITIONS

In re Application of	:	
Edward R. Hyde, Jr.	:	
Application No. 11/089,896	:	DECISION ON PETITION
Filed: March 25, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 734P	:	

This is a decision on the petition, filed January 17, 2007, 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 March 17, 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). However, while the statement of unintentional delay does not comply with the rule, the statement presented will be construed as meaning that "the entire delay in filing the required reply [notification of foreign filing under 35 U.S.C. § 122(b)(2)(B)(iii)] until filing of a grantable petition was unintentional." 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 May 3, 2007, which was mailed on January 25, 2007.

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

This application is being referred to Technology Center Art Unit 3733 for examination in due course.

Frances M. Hicks
Petitions Examiner
Office of Petitions

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THOMAS M. FRIEBURGER
P.O. BOX 1026
TIBURON, CA 94920

MAILED

JAN 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Edward R. Hyde, Jr.	:	
Application No. 11/089,896	:	DECISION ON PETITION
Filed: March 25, 2005	:	
Attorney Docket No. 734P	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 8, 2008 to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 22, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 23, 2007.

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

The petition is **GRANTED**.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record

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

This application is being referred to Technology Center AU 3733 for appropriate action by the Examiner in the normal course of business on the reply received December 8, 2008.

April M. Wise
Petitions Examiner
Office of Petitions

cc: EDWARD R. HYDE, JR.
30 PUTNAM PARK ROAD
REDDING, CT 06896

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VISTA IP LAW GROUP LLP
1885 Lundy Avenue
Suite 108
SAN JOSE, CA 95131

Mail Date: 04/26/2010

Applicant	: Kumar Chidhambarakrishnan	: DECISION ON REQUEST FOR
Patent Number	: 7627463	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/089,898	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/25/2005	: 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.

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CIENT 21058
C/O DARBY & DARBY P.C.
P.O. BOX 770
CHURCH STREET STATION
NEW YORK, NY 10008-0770

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AUG 2 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Ravindra V. VELHAL, et al	:	
Application No. 11/089,923	:	DECISION ON PETITION
Filed: March 24, 2005	:	TO WITHDRAW
Attorney Docket No. 21058/0209567-US0	:	FROM RECORD
	:	

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 13, 2009.

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

A review of the file record indicates that the power of attorney to Darby & Darby P.C., has been revoked by the assignee of the patent application on July 15, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

/Diane Goodwyn/
Petitions Examiner
Office of Petitions

cc: INTEL CORPORATION
2200 MISSION COLLEGE BLVD.
SANTA CLARA, CA 95054

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DUNLAP, CODDING & ROGERS P.C.
PO BOX 16370
OKLAHOMA CITY OK 73113

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JUN 0 9 2005

OFFICE OF PETITIONS

In re Application of	:	
Hamilton et al.	:	DECISION ON PETITION
Application No. 11/089,930	:	
Filed: March 25, 2005	:	
Attorney Docket No. 35060.155	:	

This is a decision on the petition filed May 5, 2005, requesting that the above-identified application be accorded a filing date of March 25, 2005, with Figure 11 as part of the original disclosure.

On March 25, 2005, applicants filed the above-identified application. On April 26, 2004, the Office mailed a "Notice to File Missing Parts of Nonprovisional Application" (Notice), stating that the application was accorded a filing date of March 25, 2005; however, it appeared that Figure 11 was omitted.

In response, on May 5, 2005, applicants submitted the present petition, a $400.00 petition fee, and a copy of Figure 11. In petition, applicants stated that the cross-reference to related applications incorporated the entire parent patent application by reference. Applicants further stated that Figure 11 was included in the parent patent application. Therefore, applicants requested that the above-identified application be accorded a filing date of March 25, 2005, with Figure 11.

Upon review of the record, Figure 11 has not been located in the official file. It is noted that the specification indicates that the present patent application is a divisional patent application of Application No. 10/741,622, filed on December 19, 2003, the entire content of which is incorporated herein by reference.

Section 201.06(c) of the Manual of Patent Examining Procedure states that:

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

In view of the incorporation by reference of Application No. 10/741,622, Figure 11 is not new matter <u>if</u> it was part of the disclosure of Application No. 10/741,622.

Accordingly, the Notice mailed on April 26, 2005, was correct in stating that Figure 11 appeared to have been omitted. Therefore, Notice will not be withdrawn.

Accordingly, the petition is <u>dismissed</u>.

The petition fee will not be refunded because the petition was not necessitated by any error on the part of the United States Patent and Trademark Office.

Applicants should file a preliminary amendment with the examiner prior to the first action on the merits, requesting entry of Figure 11.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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FROMMER LAWRENCE & HAUG LLP
745 FIFTH AVENUE
NEW YORK, NY 10151

Mail Date: 05/06/2010

Applicant	: Kohtaro Sabe	: DECISION ON REQUEST FOR
Patent Number	: 7630525	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/089,932	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/25/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1022** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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HUNTINGTON NY 11743

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OCT 2 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Braun et al.	:	
Application No. 11/089,936	:	ON PETITION
Filed: March 25, 2005	:	
Attorney Docket No. 3230	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 3, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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SCOTT A. JACOBS
2705 LAKE WAY
COOPER CITY, FL 33026

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MAY 17 2007

OFFICE OF PETITIONS

In re Application of	:	
Jacobs, Scott Aaron	:	
Application No. 11/089,937	:	ON PETITION
Filed: March 25, 2005	:	
Title: SWING TRAINING AID	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 18, 2006, to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment under 37 CFR 1.116; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

This matter is being referred to Technology Center 3700 for 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

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SUITE 1000
ATLANTA GA 30309

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MAY 08 2007

OFFICE OF PETITIONS

In re Application of	:	
Carvalho et al.	:	
Application No. 11/089,938	:	ON PETITION
Filed: March 25, 2005	:	
Attorney Docket No. 14114.0382U1	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 9, 2007, to revive the above-identified application.

The petition is **GRANTED.**

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

This matter is being referred to Technology Center 1600 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

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KLARQUIST SPARKMAN, LLP
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PORTLAND, OR 97204

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SEP 02 2008

In re Application of :
Maria Da Gloria Carvalho et al :
Application No. 11/089,938 : ON PETITION
Filed: March 25, 2005 :
Attorney Docket No. 6395-79510-01

This is a decision on the petition, filed August 26, 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 June 27, 2008 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 1637 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

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COMMISSIONER FOR PATENTS
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Paper No.

Kenneth P. Krohn
Suite 320
2131 Palomar Airport Road
Carlsbad, CA 92009

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JUN 23 2005

OFFICE OF PETITIONS

In re Application of	:	
Larry Lemelson	:	DECISION ON PETITION
Application No. 11/089,948	:	
Filed: March 25, 2005	:	
Attorney Docket No. 184.11	:	

This is a decision on the "PETITION UNDER 37 CFR 1.53(e) TO ACCORD A FILING DATE," filed May 27, 2005, requesting that the above-identified application be accorded a filing date of March 25, 2005.

On May 12, 2005, the Office of Initial Patent Examination mailed applicant a "Notice of Incomplete Nonprovisional Application," stating that the application had not been accorded a filing date because the application was filed without drawings.

On petition, applicant asserts the application as filed on March 25, 2005 included one sheet of drawings (constituting FIG. 1;the "Drawing"). In support thereof, applicant submitted a "true and correct" copy of their return Postcard. Enclosed with the petition was a "true, correct and complete duplicate of the original Drawing filed with the Application."

A postcard receipt, which itemizes and properly identifies the items, which are being filed, serves as prima facie evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioner's postcard receipt reveals that: 1) it was date

stamped as received in the Office on March 25, 2005; and reflects the assignment of application No. 11/089,948; 2) it specifically identifies the items being filed, including "Drawings(one sheets)" and 3) it lacks any annotation of nonreceipt of any item denoted on the postcard. Thus, petitioner has shown that the items denoted, including the 1 sheet of drawings, was filed on March 25, 2005.

In view thereof, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee has been refunded.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. The application is thereby forwarded to OIPE for:

- **correction of the filing date to March 25, 2005**, using the application papers received in the Office on that date and the 1 sheet of drawings re-supplied on petition filed May 27, 2005.

Applicant will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RYAN KROMHOLZ & MANION, S.C.
POST OFFICE BOX 26618
MILWAUKEE, WI 53226

COPY MAILED

MAY 26 2009

OFFICE OF PETITIONS

In re Application of :
David A. Rahdert et al :
Application No. 11/089,949 : DECISION ON PETITION
Filed: March 25, 2005 :
Attorney Docket No. 9542.18725-C CIP :

This is a decision on the petition, filed April 20, 2009, 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 April 24, 2008, which set a one (1) month period for reply. Five month (5) extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, a reply was due on or before October 24, 2008.

Office record show a timely reply was mailed via certificate of mailing on October 21, 2008, which included the following papers: Amendment Transmittal; Amendment A and Response to Restriction Requirement; and five month (5) extension of time. Petitioner has submitted a copy of the previously mailed correspondence.

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 April 24, 2008 is hereby withdrawn and the application restored to pending status.

This application is being referred to Technology Center AU 3738 for appropriate action in the normal course of business on the reply received on October 27, 2008 (certificate of mailing, October 21, 2008).

Irvin Dingle
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2-24-09

TO SPE OF : ART UNIT 2814

SUBJECT : Request for Certificate of Correction for Appl. No.: ~~11/089945~~ 11/089950 Patent No.: 7303948

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Should drawings be entered?

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

Thank You For Your Assistance

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

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

Comments: _____

SPE

2814
Art Unit

OIPE
MAR 2 5 2005
PATENT & TRADEMARK OFFICE

11/089952
20

Practitioner's Docket No. HES 2003-IP-012301U1D1 **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jiten Chatterji et al.
Application No.: 0 / unknown Group No.: unknown 1755
Filed: concurrently herewith Examiner: unknown
For: Cement Compositions Including Siliane Treated Amorphous Silica

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTENTION: Group Director, Group _____ (M.P.E.P. § 1002.02(c))

PETITION TO MAKE SPECIAL BECAUSE OF APPLICANT'S AGE
(37 C.F.R. § 1.102(c) AND M.P.E.P. § 708.02 IV)

NOTE: See M.P.E.P. § 708.02, 7th ed.

Applicant hereby petitions to make this application special because applicant is over 65 years of age.

As a showing of this fact, accompanying this petition is:

(check one of the following)

☐ applicant's birth certificate.

☒ a declaration by the applicant that he/she is over 65 years of age.

No fee is required with this petition, in accordance with 37 C.F.R. § 1.102(c).

Craig W. Roddy
SIGNATURE OF PRACTITIONER

Reg. No.: 36,256

Craig W. Roddy
(type or print name of practitioner)

Tel. No.: (580)251-3012

P.O. Box 1431
P.O. Address

Customer No.:

Duncan, OK 73536-0440

(Petition to Make Special Because of Applicant's Age (9-16-3))

PETITION GRANTED

Richard Crispino
Special Program Examiner
Technology Center 1700
MAY 10 2005

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

STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE, CA 92618

Mail Date: 04/21/2010

Applicant	: James Jeffries Harrison	: DECISION ON REQUEST FOR
Patent Number	: 7405186	: RECALCULATION of PATENT
Issue Date	: 07/29/2008	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/089,953	: OF WYETH
Filed	: 03/25/2005	:
		:

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

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

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

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

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

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

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

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

or

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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EXXONMOBIL CHEMICAL COMPANY
5200 BAYWAY DRIVE
P.O. BOX 2149
BAYTOWN, TX 77522-2149

Mail Date: 05/10/2010

Applicant	: Teng Xu	: DECISION ON REQUEST FOR
Patent Number	: 7619128	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/089,965	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/25/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1188** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/089,974	03/26/2005	Qin Liu	200407894-1	5580

7590 04/21/2008
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
KIM, RICHARD H

ART UNIT	PAPER NUMBER
2871	

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.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 04/21/2008 DTERRY
03/28/2005 HTECXLU1 00000087 082025 11089974
04 FC:1202 300.00 CR
05 FC:1201 200.00 CR

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HOWARD CHEN
PRESTON GATES & ELLIS LLP
SUITE 1700
55 SECOND STREET
SAN FRANCISCO CA 94105

COPY MAILED

FEB 23 2006

OFFICE OF PETITIONS

In re Application of :
Shine Chien Chung :
Application No. 11/089,975 :
Filed: March 25, 2005 :
Attorney Docket No. TSMC2003-1402 :

ON PETITION

This is a decision on the petition filed January 18, 2006 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The instant application became abandoned on June 27, 2005, for failure to timely reply to the Notice to File Missing Parts, mailed April 26, 2005, which set a two (2) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed January 10, 2006.

The filing of the response to the Notice to File Missing Parts mailed January 18, 2006 is acknowledged. All other requirements having been met , this matter is being referred to the Office of Initial Patent Examination for further pre-examination processing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

Mail Date: 04/21/2010

Applicant	: Rei Yoshikawa	: DECISION ON REQUEST FOR
Patent Number	: 7602273	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/090,005	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **208** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

MAILED

JUL 22 2005

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Nobuo Setoguchi, et al.
Application No. 11/090,034
Filed: March 28, 2005
For: **DIGITAL MOTION PICTURE DECODING APPARATUS AND DIGITAL MOTION PICTURE DECODING METHOD**

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed June 21, 2005 under Manual of Patent Examination Procedure §708.02,VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:
(1) be filed prior to receiving any examination by the examiner,
(2) be accompanied by the required fee- $130,
(3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
(4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
(5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
(6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petitioner meets all the above-listed requirements. Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant. The application file is being forwarded to the examiner for appropriate action in due course.

Krista Zele
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
WASHINGTON DC 20006-5403

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NOV 2 5 2008

OFFICE OF PETITIONS

In re Application of
Douglas Clark
Application No. 11/090,038
Filed: March 28, 2005
Attorney Docket No. M3653.0001/P001-D

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 18, 2008 and supplemented on November 24, 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 3625 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

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
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/090,038	03/28/2005	3625	1300	M3653.0001/P001-D	9	2

CONFIRMATION NO. 1952

CORRECTED FILING RECEIPT

24998
DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

OC000000033294454

Date Mailed: 11/24/2008

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)

Douglas Clark, Washington, DC;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 09/536,378 03/28/2000 PAT 6,889,196
which is a CIP of 09/334,256 06/16/1999 PAT 7,212,986

Foreign Applications

If Required, Foreign Filing License Granted: 04/21/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/090,038**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD AND APPARATUS FOR PLANNING, MONITORING, AND ILLUSTRATING MULTIPLE TASKS BASED ON USER DEFINED CRITERIA AND PREDICTIVE ABILITY

Preliminary Class

705

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

Mail Date: 04/21/2010

Applicant	: Grant Clark Jensen	: DECISION ON REQUEST FOR
Patent Number	: 7596200	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/090,063	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **130** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

Mail Date: 05/21/2010

Applicant	: Francis Dominique	: DECISION ON REQUEST FOR
Patent Number	: 7623484	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/090,064	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1076** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Trellis Intellectual Property Law Group, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO, CA 94303

Mail Date: 04/29/2010

Applicant	: Maurizio Portolani	: DECISION ON REQUEST FOR
Patent Number	: 7610375	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/090,083	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/25/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **384** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/090,085	03/25/2005	Boris Karpachev		4173

64499 7590 05/07/2008
BORIS KARPACHEV
535 AUBURN ST.
APT. 2
AUBURNDALE, MA 02466

EXAMINER
DONNELLY, JEROME W

ART UNIT	PAPER NUMBER
3764	

MAIL DATE	DELIVERY MODE
05/07/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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BORIS KARPACHEV
535 AUBURN ST.
APT. 2
AUBURNDALE MA 02466

In re Application of: KARPACHEV, BORIS Serial No. 11/090,085 Filed: Mar. 25, 2005 Docket: n/a Title: BOUNCE BOARD TO SUPERIMPOSE UPON SPORTS BALL	:	DECISION ON PETITION UNDER 37 CFR § 1.181

This is a decision on the letter submitted on Apr. 21, 2008 and has been treated as if filed under 37 CFR 1.181 requesting withdrawal of the examiner's Office action mailed Apr. 17, 2008 and proceed with the appeal process. In the petition, the applicant also requests that an appeal conference be held and an answer to the appeal brief of Jun. 22, 2007 be made.

The petition is **granted.**

A review of records shows that the claims were in fact rejected twice as stated in the final Office action of Feb. 6, 2007. Therefore, the notice of appeal and appeal brief were timely filed. In finding petitioner's points of argument persuasive, the requested relief is granted. The Office action of April 17, 2008 is hereby withdrawn. The examiner has been directed to proceed with an appeal conference as requested and answer the appeal brief filed May 8, 2007.

Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.

Frederick R. Schmidt, Director
Technology Center 3700

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BORIS KARPACHEV
535 AUBURN ST.
APT. 2
AUBURNDALE MA 02466

In re Application of:
KARPACHEV, BORIS
Serial No.: 11/090,085
Filed: Mar. 25, 2005
Docket: n/a
Title: BOUNCE BOARD TO SUPERIMPOSE UPON SPORTS BALL

DECISION ON PETITION

This is a decision on the petition filed on Aug. 24, 2008 requesting withdrawal of the examiner's Office action mailed Aug. 20, 2008 and proceed with the appeal process. In the petition, the applicant also requests that an appeal conference be held and an answer to the appeal brief of Jun. 22, 2007 be made. This petition is being considered pursuant to 37 CFR § 1.181(a)(3).

The petition is dismissed.

In the petition, the petitioner requests that the Director vacate the Office action of Aug. 20, 2008 and allow the appeal process to go forward to the Board of Patent Appeals and Interferences.

The record shows that:

1) On May 7, 2008, a decision on the petition filed on Apr. 21, 2008 was mailed. In the decision the examiner was Jul. 13, 2007, the examiner was directed to proceed with an appeal conference as requested and answer the appeal brief filed May 8, 2007.
2) On Aug. 20, 2008, apparently after an appeal conference was conducted and after consideration of the Appeal Brief filed on Jun. 22, 2007, the examiner re-opened prosecution by introducing a new reference to the rejection. The Office action was made non-final to provide the applicant an opportunity to respond to the newly found prior art reference and new grounds of rejection in accordance with M.P.E.P. § 1207.04[1].

[1] M.P.E.P. 1207.04 [R-3] Reopening of Prosecution After Appeal. The examiner may, with approval from the supervisory patent examiner, reopen prosecution to enter a new ground of rejection after appellant's brief or reply brief has been filed. The Office action containing a new ground of rejection may be made final if the new ground of rejection was (A) necessitated by amendment, or (B) based on information presented in an information disclosure statement under 37 CFR 1.97(c) where no statement under 37 CFR 1.97(e) was filed. See MPEP § 706.07(a).Any after final amendment or affidavit or other evidence that was not entered before must be entered and considered on the merits.

3) On Aug. 24, 2008, the current petition was filed to request withdrawal of the Office action of Aug. 20, 2007 and allow the case to go forward with the appeal process to the Board of Appeals and Interferences.

Discussion and Analysis

A review of the last Office action mailed on Aug. 20, 2008 shows that the examiner's action with new grounds of rejection contains no error and is in full compliance with M.P.E.P.§ 1207.04. The office action does not appear to be arbitrary and capricious. It is noted in the petition that the petitioner does not challenge the validity and propriety of the non-final Office action of Aug. 20, 2008. Therefore, there is no need to withdraw the Office action. However, it is noted that the SPE's approval for re-opening prosecution is missing in the non-final Office action of Aug. 20, 2008. A supplemental non-final Office action with the SPE's approval will be mailed in due course.

With regard to the new non-final Office action after the filing of the appeal brief, Office policy requires examiners to complete a thorough prior art search, and avoid piecemeal examination as much as possible. Regrettably, due to the late discovery of prior art, prosecution of the applicant's case has been unavoidably prolonged. Petitions to the Technology Center (TC) Director generally involve procedural errors and not issues to the merits of the case. These petitions are usually for non-appealable issues in accordance with 37 CFR § 1.181(a) (1)[2]. Since the applied prior art involves the merits of the case, and the application of the prior art does not appear to be arbitrary and capricious, it is appropriate that the new issues generated by the newly applied prior art be properly be resolved before the examiner or taken up on appeal with the Board of Patent Appeals and Interferences. Moreover, it is the Primary Examiner's duty to consider the merits of the claims as provided in MPEP § 1004. Because this matter is appealable, it does not fall within the TC Director's discretion in accordance with 37 CFR § 1.181. Under the circumstances, the requested relief for withdrawal or removal of the rejection of Aug. 20, 2008 cannot be granted by petition.

In response to this petition, petitioner is urged to respond to the rejection of Aug. 20, 2008 by filing an amendment or by filing a new appeal brief with a new notice of appeal to avoid abandonment. However, the examiner is instructed to expediently proceed with the examination of the application while also taking into consideration Office policy discouraging piece meal prosecution under M.P.E.P § 707.07(g)[3]. Finally, in order to avoid further re-opening of the prosecution, the examiner is reminded in the future to perform a complete and thorough search of prior art considering not only the claims presented, but also any subject matter the examiner reasonably

[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.

[3] M.P.E.P. § 707.07(g) states: Piecemeal examination should be avoided as much as possible. The examiner ordinarily should reject each claim on all valid grounds available, avoiding, how-ever, undue multiplication of references.

anticipates might be incorporated into a subsequent amendment in accordance with MPEP § 904.03[4].

Conclusion

For the forgoing reasons, the relief requested by the petitioner will not be granted, because such relief is not the type which can be granted by petition. The application is being forwarded to the Supervisory Patent Examiner in Art Unit 3764 waiting for the applicant's response to the non-final Office action of Aug. 20, 2008. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR §1.181. No extension of time under 37 CFR § 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR § 1.181". Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED.

Frederick R. Schmidt, Director
Technology Center 3700

[4] M.P.E.P. § 904.03 states in relevant part: "It is normally not enough that references be selected to meet only the terms of the claims alone, especially if only broad claims are presented; but the search should, insofar as possible, also cover all subject matter which the examiner reasonably anticipates might be incorporated into applicant's amendment."

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DEC 0 5 2006

OFFICE OF PETITIONS

In re Application of Farrah J. Storli Application No. 11/090,092 Filed: March 24, 2005 Attorney Docket No. 108298686US2	DECISION GRANTING PETITION UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 4, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2891 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment.*

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COMBIMATRIX CORPORATION
6500 HARBOUR HEIGHTS PARKWAY
MUKILTEO, WA 98275

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Karl Maurer et al :
Application No. 11/090,096 :
Filed: March 25, 2005 :
Attorney Docket No. 0119 :

This is in response to the petition under 37 CFR 1.47(a), filed August 22, 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. Applicant lacks item (1) set forth above.

As to item (1), Rule 47 applicant has failed to show or provide proof that the nonsigning inventor has refused to sign the declaration after having been presented with a copy of the application papers (specification, claims, and drawings). Before an allegation can be made that the inventor has refused to sign an oath or declaration, he must have been presented with a copy of the application papers. The current record fails to demonstrate that the inventor was ever presented with a copy of the application papers prior to the alleged refusal to execute the declaration. Did the nonsigning inventor receive a copy of the application papers? Unless the nonsigning inventor was presented with a copy of the application papers, he could not attest that he has "reviewed and understand the application papers" and therefore could not sign the declaration for the instant application. The fact that an application may contain proprietary information does not relieve the 37 CFR 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. See MPEP 409.03(d). Unless petitioner can show that a copy of the application papers was presented to the nonsigning inventor, then petitioner will have to mail a copy of the complete application papers to

the last known address of the inventor, return receipt requested. A cover letter of instructions should accompany the mailing of the application papers setting a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as certified mail return receipt, cover letter of instructions, telegrams, etc. See MPEP 409.03(d).

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
Attn: Office of Petitions

The Notice to File Missing Parts of Nonprovisional Application mailed April 25, 2005, additionally required applicants to file a computer readable form (CRF) copy of the "Sequence Listing." Therefore, timely compliance with this requirement must be made in order to avoid the abandonment of the application. The time for reply **remains**as set forth in the Notice of April 25, 2005.

Telephone inquiries related to this decision should be directed to Wan Laymon at (571) 272-3220.

Frances Hicks
Lead Petitions Examiner
Office of Petitions

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COMBIMATRIX CORPORATION
6500 HARBOUR HEIGHTS PARKWAY
MUKILTEO WA 98275

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OFFICE OF PETITIONS

In re Application of :
MAURER, et. al. :
Application No. 11/090,096 :
Filed: March 25, 2005 :
Attorney Docket No. 0119 :

ON PETITION

This is a decision on the petition filed, December 22, 2005 and February 21, 2006, requesting reconsideration of a decision mailed November 4, 2005, which refused to accord 37 CFR 1.47(a) status to the above-identified application.

The petition is **GRANTED.**

Petitioner has shown that Michael Strathmann, the non-signing inventor, has refused to join in the filing of the above-identified application. Specifically, the statement of facts of Jeffrey B. Oster established that the petitioner presented the application papers to the non-signing inventor's employment attorney Kelby Fletcher and that the non-signing inventor has not returned an executed copy of the declaration.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries regarding this decision should be directed to Amelia Au at (571) 272-7414.

Frances Hicks
Petitions Examiner
Office of Petitions

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

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OFFICE OF PETITIONS

In re Application of :
IRIKURA, et al. :
Application No. 11/090,097 : DECISION GRANTING PETITION
Filed: March 28, 2005 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **1506.0430000** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 25, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 28, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 3681 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Monica A. Graves
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO CA 94303

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OFFICE OF PETITIONS

In re Application of	:
Fernando Jose Rebelo Do Couto et al.	:
Application No. 11/090,105	: DECISION ACCORDING STATUS
Filed: March 24, 2005	: UNDER 37 CFR 1.47(a)
Attorney Docket No. EPIT-015	:

This is in response to the petition filed August 19, 2005 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on March 24, 2005, naming Kevin Fernando Jose Rebelo Do Couto, Kristin B. Hendricks and Ellen S. Wallace as joint inventors but without a signed declaration. Accordingly, on May 25, 2005, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, on August 19, 2005, an oath or declaration executed by joint inventors Henricks and Wallace, a petition under 37 CFR 1.47(a) and a request for a one month extension of time was filed. The petition argues that joint inventor Couto 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. Couto and that he has expressly, verbally and in writing, refused to sign the oath or declaration or to cooperate with the filing of the instant application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to the Office of Initial Patent Examination for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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FERNANDO JOSE REBELO DO COUTO
7814 OAK CREEK
PLEASANTON, CA 94588

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OFFICE OF PETITIONS

In re Application of
Fernando Jose Rebelo Do Couto et al.
Application No. 11/090,105
Filed: March 24, 2005
Title of Invention: TNFALPHA-NEUTRALIZING ANTIBODIES

Dear Mr. Couto:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned Petitions Attorney at (571) 272-3212. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:
BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO CA 94303

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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 04/20/2010

Applicant	: Remy Kirchdoerffer	: DECISION ON REQUEST FOR
Patent Number	: 7586303	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/090,161	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **743** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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MAR 30 2007

OFFICE OF PETITIONS

In re Patent No. 7,130,655	:	ON PETITION
Issue Date: October 31, 2006	:	
Application No. 11/090,218	:	
Filed: March 28, 2005	:	
Attorney Docket No. 4202.0135-01	:	

This is a decision on the petition filed August 22, 2006 and supplemented on November 13, 2006, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Deposit account no. 06-0916 will be charged the required $100.00 Certificate of Correction fee.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3230. 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. This decision only addresses the portion of the Certificate of Correction pertaining to assignee information.

Shirene Willis Brantley
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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PO BOX 747
FALLS CHURCH VA 22040-0747

MAIL

SEP 22 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

DECISION
ON PETITION

In re Application of:
Tadashi YAMAURA, et al.
Application Serial No.: 11/090,227
Filed: March 28, 2005
For: **A METHOD FOR SPEECH CODING, METHOD FOR SPEECH DECODING AND THEIR APPARATUSES**

This is a decision on the petition, filed on August 30, 2005 under 37 C.F.R. §1.181 requesting an expedited action on the merits. This petition has been considered a request to affirm that this application is under "special" status in accordance with 37 CFR 1.102.

Applicant states that the instant application has an effective pendency of more than five years inasmuch as it is a divisional of Application No. 09/530,719 (filed May 4, 2000), which is the national stage application under 35 USC 371 of International Application Number PCT/JP98/05513 (filed December 7, 1998).

708.01 [R-2] List of Special Cases, states in part:
(I) Applications pending more than 5 years, <u>including those which, by relation to a prior United States application, have an effective pendency of more than 5 years</u>. See MPEP § 707.02. [emphasis added]

In accordance with MPEP section 708.01(I), applications pending over 5 years, including those which by relation to a prior United States application, should be considered special. This application by virtue of its prolonged pendency is already considered special in accordance with PTO policy.

Accordingly, the petition is **<u>DISMISSED AS MOOT</u>**.

The application is being forwarded to the examiner for expedited action in due course.

Krista Zele
Special Program Examiner
Technology Center 2600
Communications

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JAGTIANI + GUTTAG
10363-A DEMOCRACY LANE
FAIRFAX VA 22030

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OFFICE OF PETITIONS

In re Application of	:	
JEWELL, Jack L.	:	
Application No. 11/090,260	:	DECISION ON PETITION
Filed: March 28, 2005	:	TO WITHDRAW
Attorney Docket No. **PICO-0043-DV1**	:	FROM RECORD
	:	

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 **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney filed February 11, 2009 reinstates Steven B. Kelber, Registration No. 30,073, as an attorney of record in the above 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 above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Vedder Price, PC
875 15th Street, NW
Suite 725
Washington, DC 20005

Mail Date: 04/21/2010

Applicant	: Jack L. Jewell	: DECISION ON REQUEST FOR
Patent Number	: 7627014	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/090,260	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **371** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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LORUSSO, LOUD & KELLY
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Alexandria, VA 22305

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OFFICE OF PETITIONS

In re Application of
Kikuchi et al.
Application No. 11/090,306
Filed: March 28, 2005

Decision on Petition

This is a decision on the petition under 37 CFR 1.182 filed May 23, 2005, which is being treated as a petition under 37 CFR 1.181 to withdraw the Notice of Missing Parts mailed April 25, 2005, to the extent the Notice objects to the drawings.

The petition is **granted**.

A review of the specification and drawings indicates the Chinese figures on the drawings sheets are actually part of the drawing rather than reference numbers, sheet numbers, or view numbers. For example, one drawing includes an example of a printed label which has Chinese characters on the label.

The petition fee of $400 will be credited to petitioner's deposit account.

The Office of Initial Patent Examination will process the file using the drawings filed on March 28, 2005.

Telephone inquiries may 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
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Chalker Flores, LLP
2711 LBJ Frwy
Suite 1036
Dallas, TX 75234

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OFFICE OF PETITIONS

In re Application of
Brian Buss
Application No. 11/090,333
Filed: March 25, 2005
Attorney Docket No. GBSI:1000

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed January 17, 2006, for revival of an application abandoned unavoidably. The petition will be treated first as a request to withdraw the holding of abandonment for the above-identified application.

On April 22, 2005, the Office mailed a Notice to File Corrected Application Papers, which set a two month extendable period to submit replacement drawings in compliance with 37 CFR 1.84 and 1.121(d). In the apparent absence of a timely filed response, the Office mailed a Notice of Abandonment on January 10, 2006.

In the present petition, petitioner asserts that he filed a timely response. In support of his assertion, petitioner submits a copy of a "Response to Notice to File Corrected Application Papers," including four sheets of replacement drawings, containing a certificate of mailing dated June 21, 2005.

Pursuant to 37 CFR 1.8:

> (b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:
>
> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

(c) The Office may require additional evidence to determine if the correspondence was timely filed.

After reviewing the record and the papers submitted on petition, the response is considered timely filed on June 21, 2005. Accordingly, the petition is **granted**. The Notice of Abandonment is hereby withdrawn. The application is restored to pending status in view of the fact that a response was timely submitted on June 21, 2005.

In view of this decision to withdraw the holding of abandonment, the petition under 37 CFR 1.137(a) is **dismissed** as involving a moot issue. Therefore, the $250.00 petition fee is unnecessary and will be refunded to petitioner's credit card.

The matter is being referred to the Office of Initial Patent Examination for processing the response to the Notice to File Corrected Application Papers, using the copy of the original reply submitted with the present petition.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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CHALKER FLORES, LLP
2711 LBJ FRWY
Suite 1036
DALLAS TX 75234

In re Application of BUSS, BRIAN Application No.: 11/090,333 Filing or 371(c) Date: March 25, 2005 Attorney Docket Number: GBSI: 1000RCE	JUL 27 2009 DECISION ON PETITION

This is a decision on the Petition to Withdraw Holding of Abandonment under 37CFR § 1.81 (a), received in the United States Patent and Trademark Office (USPTO) April 22, 2009.

This petition is **GRANTED**.

The application was held abandoned for failure to timely submit the Issue Fee and Publication fee as required by the Notice of Allowance, mailed December 22, 2008 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on April 16, 2009.

Petitioner states that the issue fee and publication fee transmittal were timely filed via the USPTO on March 22, 2009. Petitioner submitted a copy of the original submission which included a properly completed Certificate of Mailing/Transmission.

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. The Issue Fee has been charged to deposit account number 50-4863.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 756-1547.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management

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Paper No.

SEP 15 2009

OFFICE OF PETITIONS

PERKINS COIE LLP (BOEING)
P.O. BOX 1247
PATENT - SEA
SEATTLE WA 98111-1247

In re Patent No. 7,469,863	:	
Thomas E. Speer	:	DECISION DISMISSING
Application No. 11/090,347	:	REQUEST FOR
Issue Date: December 30, 2008	:	RECONSIDERATION OF
Filed: March 24, 2005	:	PATENT TERM ADJUSTMENT
Attorney Docket No.	:	UNDER 37 CFR 1.705
030048182US	:	

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT RECONSIDERATION UNDER 37 C.F.R. §1.705(D), filed March 2, 2009. Patentee requests that the determination of patent term adjustment be corrected from six hundred four (604) days to eight hundred eighty-five (885) days.

The request for reconsideration of patent term adjustment is **DISMISSED** with respect to making any change in the patent term adjustment determination under 35 U.S.C. § 154(b) of 604 days.

BACKGROUND

On December 30, 2008, the application matured into U.S. Patent No. 7,469,863, with a revised patent term adjustment of 604 days. The Office determined that the 281 days of Office delay pursuant to 35 U.S.C. 154(b)(1)(B) and 37 CFR 1.702(b)[1,2]

---

[1] Pursuant to 35 U.S.C. 154(b)(1)(B), 37 CFR 1.702(b) provides, in pertinent part, that:

Failure to issue a patent within three years of the actual filing date of the application. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including:

overlaps with the 604 days of Office delay pursuant to 35 U.S.C. 154(b)(1)(A) and 37 CFR 1.702(a)(1)[3,4] accorded prior to the issuance of the patent. As such, 0 additional days of patent term adjustment were entered at issuance under the three-year pendency provision. Given the applicant delay of 0 days, the patent issued with a revised patent term adjustment of 604 (604 - 0) days.

On March 2, 2009, patentee timely submitted this request for reconsideration of patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 885 days. Patentee maintains that the total non-overlapping PTO delay under §154(b)(1)(A) & (B) is 885 (604 + 281) days as these periods do not occur on the same day. Further, given the applicant delay of 0 days, patentee asserts entitlement to 885 days of patent term adjustment.

OPINION

Patentee's interpretation of the period of overlap has been considered, but found inconsistent with the Office's interpretation of the overlap provision, 35 U.S.C. 154(b)(2)(A).

(i) any time consumed by continued examination of the application requested by the applicant under section 132(b).

[2] As of the issuance of the patent on December 30, 2008, the application was pending three years and 281 days.

[3] 37 CFR § 1.702, provides grounds for adjustment of patent term due to examination delay under the Patent Term Guarantee Act of 1999 (original applications, other than designs, filed on or after May 29, 2000).

> (a) Failure to take certain actions within specified time frames. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to:
>
> (1) Mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 in an international application;

[4] A first Office action (restriction requirement) was not mailed until January 18, 2008, fourteen months and 604 days after the application filing date, March 24, 2005.

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)*[5] *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.

---

[5] 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.

Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004).

Further, as stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding §1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the period during which the application was pending before the Office beginning on the application filing date under 35 U.S.C. 111(a), March 24, 2005, and ending on the date of issuance of the patent, December 30, 2008 (not including any other periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)).

Pursuant to 35 U.S.C. 154(b)(1)(A) and 37 CFR 1.702(a)(1), 604 days of patent term adjustment were accorded during the pendency of the application for Office delay. Pursuant to 35 U.S.C. 154(b)(1)(B) and 37 CFR 1.702(b), 281 days of patent term adjustment accrued for Office issuance of the patent more than 3 years after the filing date of the application.

The 281 days of patent term adjustment under 37 CFR 1.702(b) overlap with the 604 days of patent term adjustment under 37 CFR 1.702(a). Entry of both the 604 days and the 281 days is neither permitted nor warranted. 604 days is the actual number of days issuance of the patent was delayed.

Accordingly, at issuance, the Office properly entered 0 additional days of adjustment pursuant to § 1.702(b) for a total of the greater period of 604 days for Office delay.

CONCLUSION

In view thereof, no change will be made in the revised determination of patent term adjustment at the time of the issuance of the patent of 604 days (604 days of Office delay - 0 days of applicant delay).

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to Senior Petitions Attorney Douglas I. Wood, at (571) 272-3231.

Alesia M Brown P/

Anthony Knight
Supervisor
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090805

DATE : August 05, 2009

TO SPE OF : ART UNIT 2627

SUBJECT : Request for Certificate of Correction on Patent No.: 7,428,125

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:

/Andrea L Wellington/
Supervisory Patent Examiner, Art Unit 2627

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450

KEVIN MARK KLUGHART
2516 LILLIAN MILLER PARKWAY
SUITE 115
DENTON TX 76210-7205

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OFFICE OF PETITIONS

In re Application of	:	
Casper et al.	:	
Application No. 11/090,354	:	DECISION ON PETITION
Filed: March 26, 2005	:	
Attorney Docket No. USI-2005-007	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 16, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Election/Response to Restriction Requirement, (2) the petition fee of $750.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This application is being referred to Technology Center AU 2817 for appropriate action by the Examiner in the normal course of business on the reply received

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON, DE 19899

Mail Date: 04/21/2010

Applicant	: Martin Hills	: DECISION ON REQUEST FOR
Patent Number	: 7648945	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/090,374	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/25/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **847** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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ADVANCED MICRO DEVICES, INC.
C/O VEDDER PRICE P.C.
222 N.LASALLE STREET
CHICAGO, IL 60601

Mail Date: 04/27/2010

Applicant	: Milivoje Aleksic	: DECISION ON REQUEST FOR
Patent Number	: 7606429	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/090,378	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/25/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1094** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

Issaak Bourovoi
35/4, Shmuel Hanaziv str.
Netanya 42285 IL ISRAEL

In re Application of	:	
Issaak Bourovoi	:	
Application No. 11/090,389	:	DECISION ON PETITION
Filed: February 23, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 25, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a signed statement by the applicant Issaak Bourovoi. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1742 for action on the merits commensurate with this decision.

Frances Hicks
Petitions Examiner
Office of Petitions

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Stolowitz Ford Cowger LLP
621 SW Morrison St
Suite 600
Portland, OR 97205

Mail Date: 04/21/2010

Applicant	: Sreekanth Gangadharan	: DECISION ON REQUEST FOR
Patent Number	: 7583707	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/090,395	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/25/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **674** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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THOMPSON COBURN, LLP
ONE US BANK PLAZA
SUITE 3500
ST LOUIS MO 63101

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JUN 27 2005

OFFICE OF PETITIONS

In re Application of
Jeff D. Schuchardt et al.
Application No. 11/090,400
Filed: March 25, 2005
Attorney Docket No 51017/53472

DECISION GRANTING PETITION

This is a decision on the petition filed June 10, 2005, in response to the "Notice of Omitted Items" mailed May 10, 2005, which is treated under 37 CFR 1.182.

The instant application was filed March 25, 2005 and a filing date was accorded. However, a "Notice of Omitted Items" mailed May 10, 2005 indicated that Page 166 of the specification appeared to have been omitted.

Petitioner asserts that page 166 of the specification was among the papers filed on March 25, 2005, and submits, *inter alia*, a "legible" postcard receipt in evidence thereof. The postcard receipt, identifies the application and acknowledges, inter alia, that the specification totaled 265 pages and bears a United States Patent and Trademark Office date-stamp of March 25, 2005. 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. 20-0823.

This matter is being referred to the Office of Initial Patent Examination (OIPE) for further processing, using the application papers received in the Office on March 25, 2005 and page 166 of the specification, submitted on petition June 10, 2005.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

Mail Date: 04/20/2010

Applicant	: Reinhold Weiland	: DECISION ON REQUEST FOR
Patent Number	: 7602115	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/090,423	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/25/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **808** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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EVOLUTION ROBOTICS, INC.
130 WEST UNION STREET
PASADENA, CA 91103

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MAR 25 2009

OFFICE OF PETITIONS

In re Application of :
Steve Schell, et al. :
Application No. 11/090,432 :
Filed: March 25, 20051 :
Attorney Docket No. EVOL.050A3 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed January 15, 2009.

The petition is not signed by a registered attorney or agent of record. However, in accordance with 37 CFR 1.34(a), the signature of Andrew S. Naglestad appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before December 19, 2008. A Notice of Abandonment was mailed on January 12, 2009. In response, on January 15, 2009, 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 issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay[1].

The application is being referred to the Office of Data Management to be processed into a patent.

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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Lahive & Cockfield, LLP
Floor 30, Suite 3000
One Post Office Square
Boston, MA 02109

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In re Application of	:	
William Williams et al.	:	
Application No. 11/090,447	:	DECISION ON PETITION
Filed: March 25, 2005	:	
Attorney Docket No. ITJ-009	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 28, 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 May 7, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed February 7, 2008. Accordingly, the date of abandonment of this application is May 8, 2008. A Notice of Abandonment was mailed on June 5, 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 and the publication fee of $300, (2) the petition fee of $770, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

Carl Friedman
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON MA 02109

In re Patent No. 7,432,369
Issued: October 7, 2008
Application No. 11/090,447
Filed: March 25, 2005
Attorney Docket No. ITJ-009

: DECISION ON REQUEST
: FOR RECONSIDERATION
: OF PATENT TERM ADJUSTMENT
: AND
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. §1.705(d), filed on November 26, 2008, requesting that the patent term adjustment indicated on the above-identified patent be corrected from 171 days to 337 days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent, considering the 30 days of overlap, is adjusted by one thousand three hundred thirty-seven (337) days and is **GRANTED**.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **three hundred thirty-seven (337)** days.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

/Kery A. Fries/

Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Examination Policy

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,432,369 B2

DATED : October 7, 2008

INVENTOR(S) : William Williams

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 (171) days

Delete the phrase "by 171 days" and insert – by 337 days--

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Treyz Law Group
870 Market Street, Suite 984
San Francisco, CA 94102

Mail Date: 04/21/2010

Applicant	: Dan Boneh	: DECISION ON REQUEST FOR
Patent Number	: 7590236	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/090,450	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/25/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1149** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Treyz Law Group
870 Market Street, Suite 984
San Francisco, CA 94102

Mail Date: 04/21/2010

Applicant	: Amit Sahai	: DECISION ON REQUEST FOR
Patent Number	: 7634085	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/090,451	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/25/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1218** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Technology Center 2100

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of: OSAKI, et al.
Application No. 11/090,452
Filed: March 24, 2005
For: METHOD AND APPARATUS FOR MIRRORING OBJECTS BETWEEN STORAGE SYSTEMS

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER MPEP §708.02 (VIII)

This is a response to the petition filed 08 September 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**. However, it is suggested that if the identical statement is being made to distinguish each reference from an independent claim, as in the instant petition, then the statement should simply be made once in the petition. (E.g., "Regarding independent claim 1, none of the references disclose . . . .")

The application file is being forwarded to the Examiner of Record for accelerated examination according to the procedures set forth in MPEP § 708.02, Section VIII.

Pinchus M. Laufer
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3599

ds

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CHARMASSON BUCHACA & LEACH, LLP
1545 HOTEL CIRCLES SOUTH, SUITE 150
SAN DIEGO, CA 92108-3426

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OFFICE OF PETITIONS

In re Application of :
Naishu Wang et al :
Application No. 11/090,463 :
Filed: March 25, 2005 :
Attorney Docket No. 050053 :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 C.F.R. § 1.102(d)

This is a decision on the petition under 37 CFR 1.102(d), filed on March 25, 2005 to make the above-identified application special based on developing treatments and cures for HIV/AIDS or cancer as set forth in M.P.E.P. § 708.02, Section X.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(d) and MPEP § 708.02, Section X: Inventions Relating to HIV/AIDS or cancer, must be accompanied by (1) the petition fee under 37 CFR 1.17(h); and (2) a satisfactory statement explaining how the invention contributes to the diagnosis, treatment or prevention of HIV/AIDS or cancer.

The instant petition includes a statement explaining how the invention provides a better mechanism for the rapid confirmatory testing for HIV infection in a point-of-care setting so that further spread of the virus can be minimized to a greater degree. 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 1743 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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Date : November 23, 2009

Patent No. :7452840
Inventor(s) :11090470
Issued :November 18, 2008
Title :AGGLOMERATED ZEOLITIC ADSORBENTS,THEIR PROCESS OF PREPARATION AND
:THEIR USES

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 37 CFR 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, with a request under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;

B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and

C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.

See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items A and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	571-273-8300 ATTN: Office of Petitions
EFS web	uspto.gov/ebc/index.html (must be registered as an e-filer to submit responses) Technical Support 1-866-217-9197

Any inquiry concerning this communication should be directed to Ms. A. Green at (703) 756-1541.

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756-1541

Suzannah K. Sundby, Esq.
Smith, Gambrell & Russell, LLP
1130 Connecticut Avenue, N.W.
Suite 1130,
Washington, DC 20036

/arg

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SMITH, GAMBRELL & RUSSELL
1130 CONNECTICUT AVENUE, N.W.,
SUITE 1130
WASHINGTON DC 20036

Patent No. 7,452,840	:	
Issue Date: November 18, 2008	:	
Application No. 11/090,470	:	ON PETITION
Filed: March 28, 2005	:	
Attorney Docket No. 033808.157DIV1	:	

This is a decision on the petition filed April 19, 2010, under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED**.

The patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the Kimberly Inabinet at (571) 272-4618. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

Mail Date: 04/21/2010

Applicant	: Stephane Gay	: DECISION ON REQUEST FOR
Patent Number	: 7597287	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/090,477	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/25/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **857** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 06/02/2010

Applicant	: Karen Tyger	: DECISION ON REQUEST FOR
Patent Number	: 7668415	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/090,491	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/25/2005	: 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.

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STROOCK & STROOCK & LAVAN LLP
180 MAIDEN LANE
NEW YORK NY 10038

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DEC 11 2007

OFFICE OF PETITIONS

In re Application of	:	
Giuseppe Iori et al	:	
Application No. 11/090,540	:	DECISION GRANTING PETITION
Filed: March 25, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 043001/031	:	

This is a decision on the petition under 37 CFR 1.137(b), filed June 5, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Nonfinal Rejection of September 12, 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 2873 to consider the amendment filed with the above petition.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
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OFFICE OF PETITIONS

AGENSYS C/O MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

In re Application :
Challita-Eid, et al. :
Application No. 11/090,545 : PATENT TERM ADJUSTMENT
Filed: March 25, 2005 :
Dkt. No.: 511582006610 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705," filed October 24, 2008. This matter is being treated as an application for patent term adjustment pursuant to the provisions of 37 CFR 1.705(b).

The application for patent term adjustment (PTA) under 37 CFR 1.705(b) is **HELD IN ABEYANCE**.

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b), mailed July 25, 2008, indicated a patent term adjustment (PTA) to date of 259 days. The instant application for PTA was timely filed with the issue fee payment on October 24, 2008. Applicants argue that the application is entitled to an adjustment of 437 days, which would include adjustment under the provisions of 37 CFR 1.702(b).

The correct PTA at the time of the allowance is 259 days, as indicated on the Determination of Patent Term Adjustment mailed July 25, 2008.

Applicants herein do not contest the adjustment of 259 days.

The instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within three years of the filing date of the application. A decision is being **held in abeyance** until after the actual patent date. Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term for Office failure to issue the patent within three years. *See*, 37 CFR 1.703(b).

Applicants are given **TWO (2) MONTHS** from the issue date of the patent to file a written request for reconsideration of the patent term adjustment for Office failure to issue the patent within three

years. A copy of this decision should accompany the request. Applicants may seek such consideration without payment of an additional fee. However, as to all other bases for seeking reconsideration of the patent term adjustment indicated in the patent, all requirements of 37 CFR 1.705(d) must be met. Requests for reconsideration on other bases must be timely filed and must include payment of the required fee.

Applicants are reminded that if an application is entitled to an adjustment under 35 USC 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 USC 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 USC 154(b)(1)(B) in determining whether periods of delay overlap under 35 USC 154(b)(2)(A).

Thus, any days of delay for Office issuance of the patent more than three years after the filing date of the application which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. *See*, 35 USC 154(b)(1)(B), 35 USC 154(b)(2)(A), and 37 CFR § 1.703(f). *See, also, Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004).

In view thereof, as of the time of allowance, the application is entitled to an adjustment of 259 days.

Receipt is hereby acknowledged of the required PTA application fee of $200.00.

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).

This application is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery A Fries

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

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12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

MAILED

APR 12 2010

OFFICE OF PETITIONS

In re Patent No. 7,563,444	: DECISION ON APPLICATION FOR
Issued: July 21, 2003	: PATENT TERM ADJUSTMENT and
Application No. 11/090,545	: NOTICE OF INTENT TO ISSUE
Filed: March 25, 2005	: CERTIFICATE OF CORRECTION
Dkt. No.: 511582006610	:

This is a decision on the petition filed on September 15, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by 605 days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein**.

The "A" delay period is 406 days. The "B" delay period is 483 days. The "A" period and "B" period share 147 overlapping days (from February 24, 2009 to July 21, 2009). The period of applicant delay totals 111 days. Thus, the patent is entitled to an overall patent term adjustment of 631 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136. See, 37 CFR 1.323(a)(4).

The 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 631 days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

/ALESIA M. BROWN/

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,563,444 B2

DATED : **July 21, 2009** **DRAFT**

INVENTOR(S) : Challita-Eid, 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 372 days

Delete the phrase "by 372 days" and insert – by 631 days--

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QUINE INTELLECTUAL PROPERTY
LAW GROUP, P.C.
P.O. BOX 458
ALAMEDA, CA 94501

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JAN 2 9 2008

OFFICE OF PETITIONS

In re Application of
Christopher C. Benz
Application No. 11/090,546
Filed: March 24, 2005
Attorney Docket No. 314-301030 US

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 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/agents associated with customer number 22798. All attorneys/agents 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 inventor[1]. A courtesy copy of this decision will be mailed to the address noted on the request to withdraw.

Applicant is reminded that there is no attorney of record at this time.

---

[1] The power of attorney submitted on July 25, 2005 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 a copy of an assignment or other documentary evidence of the chain of title from the original owner to the assignee is attached. There is no such document of record in this application. If the assignee of the entire interest under 37 CFR 3.71 desires to intervene in this application or appoint counsel to do so then the proper power of attorney documents must be submitted. *Note* 37 CFR 3.73(b).

A non-final rejection was mailed on December 13, 2007. Failure to timely reply within the maximum statutory extendable time period will result in the abandonment of this application.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Christopher C. Benz
40 Woodleaf Court
Novato, CA 94945

cc: Beyer Weaver, LLP
500 12th Street, Suite 200
Oakland, CA 94607

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/090,546	03/24/2005	Christopher C. Benz	314-301030US

CONFIRMATION NO. 7675

POWER OF ATTORNEY NOTICE

22798
QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P O BOX 458
ALAMEDA, CA 94501

OC000000027964677

Date Mailed: 01/28/2008

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.

/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
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Alexandria, VA 22313-1450
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MAR 24 2008

RICHARD S. TRELA
100 PIERCE STREET # 1101
CLEARWATER FL 33756

In re Application of	:	
Trela	:	
Application No. 11/090,548	:	DECISION
Filed: 24 March, 2005	:	
Attorney Docket No. (None)	:	

This is a decision on the papers considered as a petition filed on 28 January, 20008, and considered as a request to withdraw the holding of abandonment under 37 C.F.R. §1.181.

The petition as considered under 37 C.F.R. §1.181 is **DISMISSED**.

NOTES: Any petition (and fee) for reconsideration of this decision 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. §1.181."

BACKGROUND

The record reflects that:

- Applicant, failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due (copy enclosed) mailed on 10 August, 2007, with reply due under a non-extendable deadline on or before 13 November, 2007;
- the application went abandoned after midnight 13 November, 2007;
- the Office mailed the Notice of Abandonment on 6 December, 2007;

- on 28 January, 2008, Petitioner filed the instant petition with, *inter alia*, an averment of non-receipt and presents a copy of what appears to be a docket sheet for the instant application, however, Petitioner does not make the statements of search or the documentary showing as to the due-date/calendar data/docket showing the replies due on all patent application/patent matters for the due date of 13 November, 2007—thus, Petitioner's showing does not conform to the showing requirements set forth in the guidance of the Commentary at MPEP §711.03(c)(I)(A) and (B) as to timely filing (see: the discussion at: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c).

Petitioner may also refer to the discussion of transmittal over a certificate of mailing under 37 C.F.R. §1.8 or §1.10. (See: "Depositing Correspondence": http://www.uspto.gov/web/offices/pac/mpep/documents/0500_502.htm#sect502 , and proper use of a date-stamped receipt card (see: MPEP §503, see: discussion of "Return Postcard" at http://www.uspto.gov/web/offices/pac/mpep/documents/0500_503.htm#sect503).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that 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.[1]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]
The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

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.[3] Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).[4]

And the Petitioner must be diligent in attending to the matter.[5] Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[6]))

Allegations as to 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.[7] (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 not to have satisfied showing requirement herein as discussed in the BACKGROUND, above—to wit: Petitioner does not make the statements of search or the documentary showing as to the due-date/calendar data/docket showing the replies due on all patent application/patent matters for the due date of 13 November, 2007—thus, Petitioner's showing does not conform to the showing requirements set forth in the guidance of the Commentary at MPEP §711.03(c)(I)(A) and (B) as to timely filing (see: the discussion at: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c).

---

[3] See: *Changes to Patent Practice and Procedure*; *Final Rule Notice*, 62 *Fed. Reg.* at 53158-59 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* at 86-87 (October 21, 1997).

[4] See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

[5] See: Diligence in Filing Petitions to Revive and Petitions to Withdraw the Holding of Abandonment, 1124 Off. Gaz. Pat. Office 33 (March 19, 1991). It was and is Petitioner's burden to exercise diligence in seeking either to have the holding of abandonment withdrawn or the application revived. See 1124 Off. Gaz. Pat. Office supra.

[6] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

[7] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

CONCLUSION

Petitioner appears not to have satisfied the burdens herein, and the petition as considered under 37 C.F.R. §1.181 is **dismissed**.

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 terminal disclaimer and fee where appropriate and a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." (The statement is in the form available online.)

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
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

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[8]) 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

[8] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 08/10/2007

Richard S. Trela
100 Pierce Street # 1101
Clearwater, FL 33756

EXAMINER
HUNNINGS, TRAVIS R

ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 08/10/2007

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/090,548	03/24/2005	Richard Steven Trela		7673

TITLE OF INVENTION: STAND-OFF VEHICLE UNDER-CARRIAGE INSPECTION AND DETECTION SYSTEM FOR DETERRING VEHICLE BOMBERS FROM A SAFE STAND-OFF DISTANCE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$700	$300	$0	$1000	11/13/2007

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2007.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 08/10/2007

Richard S. Trela
100 Pierce Street # 1101
Clearwater, FL 33756

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/090,548	03/24/2005	Richard Steven Trela		7673

TITLE OF INVENTION: STAND-OFF VEHICLE UNDER-CARRIAGE INSPECTION AND DETECTION SYSTEM FOR DETERRING VEHICLE BOMBERS FROM A SAFE STAND-OFF DISTANCE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$700	$300	$0	$1000	11/13/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
HUNNINGS, TRAVIS R	2612	340-539100

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:
- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
11/090,548	03/24/2005	Richard Steven Trela		7673

EXAMINER
HUNNINGS, TRAVIS R

ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 08/10/2007

7590 08/10/2007

Richard S. Trela
100 Pierce Street # 1101
Clearwater, FL 33756

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 15 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 15 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2007.

NP

Notice of Allowability	Application No.	Applicant(s)	
	11/090,548	TRELA, RICHARD STEVEN	
	Examiner	Art Unit	
	Travis R. Hunnings	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *amendment filed 25 July 2007*.

2. ☒ The allowed claim(s) is/are *1*.

3. ☐ 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 the:
      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)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard Trela on 6 August 2007 at 11 am.

The application has been amended as follows:

1. (Currently Amended) A stand-off vehicle security checkpoint machine and wireless audio/video communications system ~~in accordance with drawing figures 1-9 and~~ comprising:

an automatic digital video vehicle undercarriage image scanner for conducting remote video inspections of vehicles' under carriage as <u>the vehicles pass</u> ~~passes~~ over it;

a means of wirelessly transmitting said scanned under carriage digital video images of said vehicles undercarriage a safe stand-off distance away;

a digital image storage system for the storage of said scanned digital images of the undercarriage for a on-the-spot review or later review by a security officer;

a network interface system capable of enabling remote viewing of the gathered images by security or law enforcement agency personnel via a network LAN or WAN system;

a radio transmitter and microphone capable of playing a pre-recorded message in real-time instructing oncoming vehicles to follow specific security procedures before approaching a security checkpoint via their car radio ~~a radio transmitter and microphone~~ and further capable of communicating real-time warnings to oncoming vehicles to stop before approaching any closer to a security checkpoint via their car radio;

a housing and tower for supporting long range traffic signal communications components further wherein said housing and tower comprising a green laser light, power supply and lens arrangement system for ~~of~~ sending a green long distance "Go" signal light a half mile or more to signal oncoming traffic approaching a security checkpoint ~~said housing and tower~~ further comprising a red laser light, power supply and lens

arrangement for sending a red, long distance warning "Stop" signal light a half a mile or more to signal oncoming traffic approaching a security checkpoint;

including in said tower a long range camera system that allows a close up inspection of vehicles approaching a security checkpoint to note suspicious reactions or to identify the occupants;

a remote control security alert activation transmitter system for initiating a warning system to vehicles approaching a checkpoint;

a remote control security alert receiver and relay system for triggering long range red laser traffic signal "Stop" light warnings to be initiated to vehicles approaching a security checkpoint ~~a remote control security alert receiver and relay system~~ further being operable for triggering a prerecorded radio message announcing an audible warning to approaching vehicles to halt immediately ~~a remote control security alert receiver and relay system~~ further being operable for registering a positive match against a terrorist watch list for initiating a warning system to vehicles approaching a checkpoint ~~a remote control security alert receiver and relay system for triggering long range red laser traffic stop signal light warnings to be initiated to vehicles approaching a security checkpoint a~~

~~remote control security alert receiver and relay system~~ further being operable for triggering a prerecorded radio message announcing to a car matching a watch list description to halt immediately.

Allowable Subject Matter

2. Claim 1 is allowed.

3. The following is an examiner's statement of reasons for allowance: the claimed radio transmitter and microphone capable of playing a pre-recorded message in real-time to approaching vehicles in combination with the depth of the other claimed limitations of the system make the overall device allowable in view of the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R. Hunnings whose telephone number is (571) 272-3118. The examiner can normally be reached on 8:00 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TRH

BENJAMIN C. LEE
PRIMARY EXAMINER

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/090,548	03/24/2005	Richard Steven Trela		7673

EXAMINER
HUNNINGS, TRAVIS R

ART UNIT	PAPER NUMBER
2612	

MAIL DATE	DELIVERY MODE
12/06/2007	PAPER

7590 12/06/2007

Richard S. Trela
100 Pierce Street # 1101
Clearwater, FL 33756

Notice of Abandonment

This application is abandoned in view of:

1. ☐ The 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 date _____), which is after the expiration of the period for reply (including a total extension 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);
   (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 e 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 date _____), 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 recieved.
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 Trasmission dated _____), which is after the expiration of the period for reply.
   (b) ☐ No corrected drawing 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 filling 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:

Petitions to revive under 37 CFR 1.137(a) or (b), or request to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

PTO/SB/64 (01-08)
Approved for use through 03/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee
☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee
A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.
☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	Date
Typed or printed name	Registration Number, if applicable
Address	Telephone Number
Address	

Enclosures:
- ☐ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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RICHARD S. TRELA
100 PIERCE STREET # 1101
CLEARWATER FL 33756

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OCT 01 2008
OFFICE OF PETITIONS

In re Application of	:	
Trela	:	
Application No. 11/090,548	:	DECISION
Filed: 24 March, 2005	:	
Attorney Docket No. (None)	:	

This is a decision on the papers considered as a petition filed on 23 June, 2008, and considered as a request to withdraw the holding of abandonment under 37 C.F.R. §1.181.

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.

Petitioners' attentions always are drawn to the Commentary at MPEP §711.03(c).[1]

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[1] The Commentary at MPEP §711.03(c) provides in pertinent part:

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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

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.

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 that:

- Applicant, failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due (copy enclosed) mailed on 10 August, 2007, with reply due under a non-extendable deadline on or before 13 November, 2007;
- the application went abandoned after midnight 13 November, 2007;
- the Office mailed the Notice of Abandonment on 6 December, 2007;
- on 28 January, 2008, Petitioner filed a petition with, *inter alia*, an averment of non-receipt and presents a copy of what appears to be a docket sheet for the instant application, however, Petitioner did not make the statements of search or the documentary showing as to the due-date/calendar data/docket showing the replies due on all patent application/patent matters for the due date of 13 November, 2007—thus, because Petitioner's showing did not conform to the showing requirements set forth in

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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.

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the guidance of the Commentary at MPEP §711.03(c)(I)(A) and (B) as to timely filing, the petition was dismissed on 24 March, 2008.

- the instant petition was filed on 23 May, 2008, and therein Petitioner sought to track the guidance set forth in the Commentary at MPEP §711.03(c)(I), and provided discussion and documentation of Petitioner's docketing and calendaring system in compliance with the requirements therein set forth.

Petitioner appears to comply with the guidance in the Commentary at MPEP §711.03(c), which sets forth the showing requirements herein.

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.[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.

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.[3] (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.

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[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[3] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

CONCLUSION

The petition under 37 C.F.R. §1.181 is **granted**, and the 6 December, 2007, Notice of Abandonment is **vacated**.

The instant application is released to Technology Center/AU 2612 for further processing, **including the re-mailing of the Notice of Allowance/Allowability and Fees Due and resetting of the period of reply**, 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. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be MPEP §711.03(c)(I)controlling or considered authority for Petitioner's action(s).

/ John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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[4] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 08/10/2007

Richard S. Trela
100 Pierce Street # 1101
Clearwater, FL 33756

EXAMINER	
HUNNINGS, TRAVIS R	
ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 08/10/2007

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/090,548	03/24/2005	Richard Steven Trela		7673

TITLE OF INVENTION: STAND-OFF VEHICLE UNDER-CARRIAGE INSPECTION AND DETECTION SYSTEM FOR DETERRING VEHICLE BOMBERS FROM A SAFE STAND-OFF DISTANCE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$700	$300	$0	$1000	11/13/2007

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2007.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 08/10/2007

Richard S. Trela
100 Pierce Street # 1101
Clearwater, FL 33756

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/090,548	03/24/2005	Richard Steven Trela		7673

TITLE OF INVENTION: STAND-OFF VEHICLE UNDER-CARRIAGE INSPECTION AND DETECTION SYSTEM FOR DETERRING VEHICLE BOMBERS FROM A SAFE STAND-OFF DISTANCE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$700	$300	$0	$1000	11/13/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
HUNNINGS, TRAVIS R	2612	340-539100

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
   - ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
   - ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
   (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
   (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
   1 _____
   2 _____
   3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:
- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/090,548	03/24/2005	Richard Steven Trela		7673

7590 08/10/2007

Richard S. Trela
100 Pierce Street # 1101
Clearwater, FL 33756

EXAMINER
HUNNINGS, TRAVIS R

ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 08/10/2007

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 15 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 15 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2007.

Notice of Allowability	Application No.	Applicant(s)	
	11/090,548	TRELA, RICHARD STEVEN	
	Examiner	Art Unit	
	Travis R. Hunnings	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *amendment filed 25 July 2007*.

2. ☒ The allowed claim(s) is/are *1*.

3. ☐ 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 the:
      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)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard Trela on 6 August 2007 at 11 am.

The application has been amended as follows:

1. (Currently Amended) A stand-off vehicle security checkpoint machine and wireless audio/video communications system ~~in accordance with drawing figures 1-9 and~~ comprising:

an automatic digital video vehicle undercarriage image scanner for conducting remote video inspections of vehicles' under carriage as <u>the vehicles pass</u> ~~passes~~ over it;

a means of wirelessly transmitting said scanned under carriage digital video images of said vehicles undercarriage a safe stand-off distance away;

a digital image storage system for the storage of said scanned digital images of the undercarriage for a on-the-spot review or later review by a security officer;

a network interface system capable of enabling remote viewing of the gathered images by security or law enforcement agency personnel via a network LAN or WAN system;

a radio transmitter and microphone capable of playing a pre-recorded message in real-time instructing oncoming vehicles to follow specific security procedures before approaching a security checkpoint via their car radio ~~a radio transmitter and microphone~~ and further capable of communicating real-time warnings to oncoming vehicles to stop before approaching any closer to a security checkpoint via their car radio;

a housing and tower for supporting long range traffic signal communications components further wherein said housing and tower comprising a green laser light, power supply and lens arrangement system for ~~of~~ sending a green long distance "Go" signal light a half mile or more to signal oncoming traffic approaching a security checkpoint ~~said housing and tower~~ further comprising a red laser light, power supply and lens

arrangement for sending a red, long distance warning "Stop" signal light a half a mile or more to signal oncoming traffic approaching a security checkpoint;

including in said tower a long range camera system that allows a close up inspection of vehicles approaching a security checkpoint to note suspicious reactions or to identify the occupants;

a remote control security alert activation transmitter system for initiating a warning system to vehicles approaching a checkpoint;

a remote control security alert receiver and relay system for triggering long range red laser traffic signal "Stop" light warnings to be initiated to vehicles approaching a security checkpoint ~~a remote control security alert receiver and relay system~~ further being operable for triggering a prerecorded radio message announcing an audible warning to approaching vehicles to halt immediately ~~a remote control security alert receiver and relay system~~ further being operable for registering a positive match against a terrorist watch list for initiating a warning system to vehicles approaching a checkpoint ~~a remote control security alert receiver and relay system for triggering long range red laser traffic stop signal light warnings to be initiated to vehicles approaching a security checkpoint a~~

~~remote control security alert receiver and relay system~~ further being operable for triggering a prerecorded radio message announcing to a car matching a watch list description to halt immediately.

Allowable Subject Matter

2. Claim 1 is allowed.

3. The following is an examiner's statement of reasons for allowance: the claimed radio transmitter and microphone capable of playing a pre-recorded message in real-time to approaching vehicles in combination with the depth of the other claimed limitations of the system make the overall device allowable in view of the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R. Hunnings whose telephone number is (571) 272-3118. The examiner can normally be reached on 8:00 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TRH

BENJAMIN C. LEE
PRIMARY EXAMINER

UNITED STATES PATENT AND TRADEMARK OFFICE

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ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

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MAR 3 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Howard W. LUTNICK, et al	:	
Application No. 11/090,558	:	DECISION ON PETITION
Filed: March 23, 2005	:	TO WITHDRAW
Attorney Docket No. 04-1095	:	FROM RECORD
	:	

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 19, 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 Laurence S. Rogers on behalf of all attorneys of record.

All attorneys/agents of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-6735.

There is an outstanding Office action mailed February 20, 2008 that requires a reply by the applicant.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: HOWARD W. LUTNICK
180 EAST 64TH STREET
NEW YORK, NY 10021

DEAN P. ALDERUCCI
CANTOR FITZGERALD, L.P.
110 EAST 59TH STREET (6TH FLOOR)
NEW YORK, NY 10022

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/090,558	03/23/2005	Howard W. Lutnick	04-1095

CONFIRMATION NO. 7674

POWER OF ATTORNEY NOTICE

OC000000029168749

64558
ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

Date Mailed: 03/31/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/19/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

Mail Date: 04/21/2010

Applicant	: Won-Seok Chae	: DECISION ON REQUEST FOR
Patent Number	: 7609912	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/090,566	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1248** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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OFFICE OF PETITIONS

In re Application of	:	
Howard Murad	:	
Application No. 11/090,567	:	ON PETITION
Filed: March 28, 2005	:	
Attorney Docket No. 13413/15011	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 10, 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 December 1, 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). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is March 2, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405, and the submission required by 37 CFR 1.114; (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555 extension of time fee submitted with the petition on July 10, 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 the JoAnne Burke at (571)272-4584.

This application is being referred to Technology Center AU 1618 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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WOODCOCK WASHBURN LLP
(MICROSOFT CORPORATION)
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

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JUL 21 2008

OFFICE OF PETITIONS

In re Application of	:	
Idan AVRAHAM et al.	:	
Application No. 11/090,582	:	DECISION ON PETITION
Filed: March 25, 2005	:	
Attorney Docket No. MSFT-4748/311492.01	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 27, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed September 25, 2007 which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 26, 2007.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an election/amendment; (2) the petition fee of $1,540; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the restriction requirement of September 25, 2007 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

The application is being referred to the Technology Center AU 2184 for appropriate action on the concurrently filed election.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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EVOLUTION ROBOTICS, INC.
130 WEST UNION STREET
PASADENA CA 91103

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MAY 08 2008

In re Application of :
Enrico **Dibernardo** et al. :
Application No. 11/090,621 : DECISION ON PETITION
Filed: March 25, 2005 :
Attorney Docket No. EVOL.050A :

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**.

This application became abandoned for failure to reply in a timely manner to the Non-Final Office Action mailed August 03, 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 November 04, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply to the Non-Final Office Action; (2) the petition fee of $1,540.00 and (3) a statement of unintentional delay. Accordingly, the reply to the Non-Final Office Action of March 31, 2008 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand 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 at an address different than the current correspondence address of record, the appropriate power of attorney document must be submitted.

Telephone inquiries concerning this decision should be directed to Thuy Pardo at (571) 272-6052 or in her absence, the undersigned at (571) 272-7099.

This application is being referred to Technology Center AU 3662 for appropriate action by the Examiner in the normal course of business on the reply received.

Anthony Knight for
David A. Bucci
Petitions Examiner
Office of Petitions

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O'BANION & RITCHEY LLP/ SONY ELECTRONICS, INC.
400 CAPITOL MALL
SUITE 1550
SACRAMENTO, CA 95814

Mail Date: 04/21/2010

Applicant	: Matthew D. Purkeypile	: DECISION ON REQUEST FOR
Patent Number	: 7653903	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/090,637	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/25/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1099** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BAKER & MCKENZIE LLP
PATENT DEPARTMENT
2001 ROSS AVENUE
SUITE 2300
DALLAS, TX 75201

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AUG 18 2006

OFFICE OF PETITIONS

In re Application of	:	
Chung, et al.	:	
Application No. 11/090,638	:	DECISION ON PETITION
Filed: March 25, 2005	:	TO WITHDRAW
Attorney Docket No. 32172526.3	:	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 April 28, 2006.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Baker & McKenzie, LLP has been revoked by the assignee of the patent application on April 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 April Wise at 571-272-1642.

Denise Pothier
Petitions Examiner
Office of Petitions

cc: BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

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GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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DEC 18 2006

OFFICE OF PETITIONS

In re Application of	:
Shigeru Kemmochi et al	:
Application No. 11/090,640	: DECISION DISMISSING PETITION
Filed: March 28, 2005	: UNDER 37 CFR 3.81(b)
Attorney Docket No. 04202.0135-02	:

This is a decision on the petition, filed August 22, 2006, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on Issue Fee Transmittal Form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is **dismissed**.

Petitioner states that the correct assignee's name is ***Hitachi Metals, Ltd.***,and that an incorrect assignee's name was unintentionally included on the Fee Transmittal Form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner herein requests that the patent issue to **Hitachi Metals, Ltd.**

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 instant request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction (and fee) as required by

---

[1] *See* Official Gazette of June 22, 2004

3.81(b). As petitioner has failed to comply with the provisions of 37 CFR 3.81(a), the request cannot be granted.

A review of Office database assignment records reflects that an assignment to Hitachi Metals, Ltd. has been recorded. Therefore, upon submission of the required certificate of correction and fee, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that Hitachi Metals, Ltd. was the assignee of record at the time of issuance of the instant application into a patent. *Note also* 35 U.S.C. § 152.

In view of the above and **after issuance of the instant application into a patent, the Certificates of Correction Branch is instructed to issue a certificate of correction <u>upon submission by petitioner of a request for a certificate of correction (and fee) which sets forth Hitachi Metals, Ltd., as the assignee</u>**. *No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in the instant request. A copy of this decision* ***<u>must</u>*** *accompany the request for a Certificate of Correction.*

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignee set forth in the instant request, as this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

Alternatively, if petitioner desires to have the correct assignee data appear on the front page of the Letters Patent, petitioner may wish to consider filing a petition to withdraw the subject application from issue under 37 CFR 1.313(c)(2). The petition to withdraw from issue under 37 CFR 1.313(c)(2) must be accompanied by a request for continued examination (RCE) and submission (which may be a request under 37 CFR 3.81(b)).

Inquiries concerning this decision should be directed to Karen Creasy at (571) 272-3208. After the submission by petitioner of the request for a certificate of correction to correct the assignee data on the front page of the Letters Patent, any

questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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In re Application of
Shigeru Kemmochi et al
Application No. 11/090,640
Filed: March 28, 2005
Attorney Docket No. 04202.0135-02

: DECISION DISMISSING PETITION
: UNDER 37 CFR 3.81(b)

This is a decision on the petition, filed August 22, 2006, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on Issue Fee Transmittal Form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is <u>dismissed</u>.

Petitioner states that the correct assignee's name is ***Hitachi Metals, Ltd.***, and that an incorrect assignee's name was unintentionally included on the Fee Transmittal Form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner herein requests that the patent issue to **Hitachi Metals, Ltd.**

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 instant request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction (and fee) as required by

---

[1] *See* <u>Official Gazette</u> of June 22, 2004

326 2007

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3.81(b). As petitioner has failed to comply with the provisions of 37 CFR 3.81(a), the request cannot be granted.

A review of Office database assignment records reflects that an assignment to Hitachi Metals, Ltd. has been recorded. Therefore, upon submission of the required certificate of correction and fee, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that Hitachi Metals, Ltd. was the assignee of record at the time of issuance of the instant application into a patent. *Note also* 35 U.S.C. § 152.

In view of the above and after issuance of the instant application into a patent, the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of a request for a certificate of correction (and fee) which sets forth Hitachi Metals, Ltd., as the assignee. *No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in the instant request. A copy of this decision must accompany the request for a Certificate of Correction.*

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignee set forth in the instant request, as this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

Alternatively, if petitioner desires to have the correct assignee data appear on the front page of the Letters Patent, petitioner may wish to consider filing a petition to withdraw the subject application from issue under 37 CFR 1.313(c)(2). The petition to withdraw from issue under 37 CFR 1.313(c)(2) must be accompanied by a request for continued examination (RCE) and submission (which may be a request under 37 CFR 3.81(b)).

Inquiries concerning this decision should be directed to Karen Creasy at (571) 272-3208. After the submission by petitioner of the request for a certificate of correction to correct the assignee data on the front page of the Letters Patent, any

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questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Shigeru Kemmochi et al
Application No. 11/090,640
Filed: March 28, 2005
Attorney Docket No. 04202.0135-02

: DECISION DISMISSING PETITION
: UNDER 37 CFR 3.81(b)
:

This is a decision on the petition, filed August 22, 2006, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on Issue Fee Transmittal Form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is **dismissed**.

Petitioner states that the correct assignee's name is ***Hitachi Metals, Ltd.***, and that an incorrect assignee's name was unintentionally included on the Fee Transmittal Form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner herein requests that the patent issue to **Hitachi Metals, Ltd.**

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 instant request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction (and fee) as required by

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[1] *See* Official Gazette of June 22, 2004

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3.81(b). As petitioner has failed to comply with the provisions of 37 CFR 3.81(a), the request cannot be granted.

A review of Office database assignment records reflects that an assignment to Hitachi Metals, Ltd. has been recorded. Therefore, upon submission of the required certificate of correction and fee, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that Hitachi Metals, Ltd. was the assignee of record at the time of issuance of the instant application into a patent. *Note also* 35 U.S.C. § 152.

In view of the above and after issuance of the instant application into a patent, the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of a request for a certificate of correction (and fee) which sets forth Hitachi Metals, Ltd., as the assignee. *No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in the instant request. A copy of this decision must accompany the request for a Certificate of Correction.*

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignee set forth in the instant request, as this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

Alternatively, if petitioner desires to have the correct assignee data appear on the front page of the Letters Patent, petitioner may wish to consider filing a petition to withdraw the subject application from issue under 37 CFR 1.313(c)(2). The petition to withdraw from issue under 37 CFR 1.313(c)(2) must be accompanied by a request for continued examination (RCE) and submission (which may be a request under 37 CFR 3.81(b)).

Inquiries concerning this decision should be directed to Karen Creasy at (571) 272-3208. After the submission by petitioner of the request for a certificate of correction to correct the assignee data on the front page of the Letters Patent, any

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questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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3-29-07

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patent No. : 7,117,234
Ser. No. : 11/090,640
Inventor(s) : Shigeru Kemmochi, et. al.
Issued : January 30, 2007
Title : HIGH-FREQUENCY SWITCH MODULE
Docket No. : 04202.0135-02000

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

See letter attached.

Eva James
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) **308-9390 ext. 124 or ext. 102**

Bruce C. Zotter
Finnegan, Henderson, Farabow,
Garrett & Dunner
901 New York Avenue, NW
Washington, DC 20001-4413

ej

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OFFICE OF PETITIONS

SEAGATE TECHNOLOGY c/o MOFO NOVA
1650 TYSONS BOULEVARD
SUITE 300
MCLEAN VA 22102

In re Application of	:	
Jianwei Liu et al.	:	
Application No. 11/090,652	:	DECISION ON PETITION
Filed: March 25, 2005	:	TO WITHDRAW
Attorney Docket No. STL 3162.1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 29, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the power of attorney was not appointed by customer number 25227. Power of attorney was appointed by customer number 50268. Resubmit the request for withdrawal as attorney or agent using the correct customer 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.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Raj S. Dave, Ph.D**
Darby & Darby P.C.
1500 K Street, N.W.
Suite 250
Washington D.C. 20005-1714

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Haynes and Boone, LLP
901 Main Street, Suite 3100
Dallas, TX 75202

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OFFICE OF PETITIONS

In re Application of
Grzegorz Wronski
Application No. 11/090,654
Filed: March 25, 2005
Attorney Docket No. 23667.145

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 5, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

A courtesy copy will be mailed to the applicant.

If the attorneys noted on the request to withdraw desire to receive future correspondence regarding this application, the proper power of attorney documents must be submitted, along with a proper statement under 37 CFR 3.73(b).

There is no pending office action at this time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272- 4618.

Frances Hicks
Petitions Examiner
Office of Petitions

cc: Grzegorz Wronski
310 Sandalin Lane
Peachtree City, GA 30269

cc: King & Spalding, LLP
Attn: Tom Mattingly
1100 Louisiana, Ste. 4000
Houston, TX 77002

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ARENT FOX PLLC
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

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OFFICE OF PETITIONS

In re Application of :
Hideaki Miyamoto :
Application No. 11/090,660 : ON PETITION
Filed: March 28, 2005 :
Attorney Docket No. 024808-00028

This is a decision on the petition, filed August 16, 2007, which is being treated as a petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 12, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2827 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1/26/10

Paper No.: ____

TO SPE OF : ART UNIT 2827

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/090660 Patent No.: 7319606B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- [x] **Approved** — All changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

2827

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

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OFFICE OF PETITIONS

In re Application of	:	
Hans Butler	:	
Application No. 11/090,698	:	
Filed: April 25, 2005	:	ON PETITION
Attorney Docket No.:	:	
081468-0315437	:	

This is a decision on the Petition for Filing Date under Rule 1.182, filed June 27, 2005, requesting the above-identified application be accorded as the filing date, the date that Figures 2-6d, filed April 25, 2005, are filed.

Application papers in the above-identified application were filed on March 28, 2005. On April 25, 2005, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application ("Notice"), indicating, *inter alia*, that Figures 2-6d described in the specification appeared to have been omitted from the application. The Notice set a two-month period for reply, with extensions of time available under 37 CFR § 1.136(a).

As provided in the MPEP,

> [t]he mailing of a "Notice of Omitted Items" will permit the applicant to either: (1) promptly establish prior receipt in the USPTO of the page(s) at issue (generally by way of a date-stamped, itemized postcard receipt (MPEP § 503)); or (2) promptly submit the omitted page(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant desiring to submit the omitted page(s) in a nonprovisional application and accept the date of such submission as the application filing date must, within 2 months from the date of the "Notice of Omitted Item(s)," file any omitted page(s) <u>with an oath or declaration in compliance with 37 CFR 1.63 and 37 CFR 1.64 referring to such page(s)</u> and a petition under 37 CFR 1.182 with the petition fee set

> forth in 37 CFR 1.17(h), requesting the later filing date (37 CFR 1.181(f)). An applicant willing to accept the application as deposited in the USPTO need not respond to the "Notice of Omitted Items," and the failure to file a petition under 37 CFR 1.53(e) or 37 CFR 1.182 (and the required petition fee) as discussed above within 2 months of the date of the "Notice of Omitted Item(s)" (37 CFR 1.181(f)) will be treated as constructive acceptance by applicant of the application as deposited in the USPTO. Amendment of the specification is required in a nonprovisional application to renumber the pages consecutively and cancel any incomplete sentences caused by the absence of the omitted page(s). Such amendment should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

MPEP 601.01(d)

Applicant files the instant petition requesting the Office assign the date of the submission of Figures 2-6d, April 25, 2005, as the application filing date. Applicant has also filed an executed declaration with the instant petition on June 27, 2005.

Accordingly, the petition is **granted**.

The application is being referred to the Office of Initial Patent Examination for correction of the filing date to April 25, 2005, including Figures 2-6d filed on April 25, 2005, and for the mailing of a corrected filing receipt.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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Mark F. Harrington
Harrington & Smith, PC
4 Research Drive
Shelton, CT 06484-6212

In re Application of	:	
Nigel Iain Martin	:	DECISION ON PETITION
Serial No.: 11/090,715	:	UNDER 37 C.F.R. §1.181
Filed: March 24, 2005	:	
For: Shield and Semiconductor Die Assembly	:	

This is a decision on the petition filed May 23, 2007, under 37 CFR 1.181, requesting review and withdrawal of the requirement for a restriction mailed on December 12, 2006. The requirement was made final in the office action mailed on April 23, 2007.

The petition is DENIED.

The examiner issued a requirement for a restriction on December 12, 2006, listing in the following manner, two groups of claims drawn to two separate inventions of the claimed invention:

Group I – Claims 1-6 and 21-23
Group II - Claims 7-20

The Examiner's rationale stated that "the process as claimed makes a materially different product since the method claims recite connecting a shield to a semiconductor die and connecting the semiconductor die to a substrate, features which are lacking from device claims".
Petitioner timely elected with traverse Group I (Claims 1-6 and 21-23) in the subsequent response dated January 16, 2007, asserting the rationale of the Examiner's restriction does not appear appropriate. In response, the Examiner held that "the device of Group I could be made by processes materially different from those of Group II invention for example, forming a substrate, a semiconductor die and the shield first, then connect the semiconductor die to the substrate and the shield to the semiconductor die" and made the restriction requirement final (mailed April 23, 2007).

Although the Examiner's restriction requirement was proper, it is evident that the rationale stated in the restriction requirement mailed December 12, 2006 was not so clearly stated. To clarify the

rationale for the restriction between Groups I and II, the product as claimed can be made by another and materially different process, a process which forms the substrate and forms the shield on the substrate surface, then attaches the die to the shield and substrate simultaneously OR a process which attaches the die to a first substrate, attaches the shield to a second substrate , then attaches the die to the shield and removes the first substrate. As such, the requirement for restriction is proper.

The requirement for restriction is hereby sustained.

The application is being forwarded to the examiner for taking appropriate action consistent with this decision.

Maria S Sand, Acting Director

for Robert Oberleitner, Group Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE 2/24/09

Paper No.: —

TO SPE OF : ART UNIT 2621

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/090717 Patent No.: 7280599 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
703-308-9390 ext. 113

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: none

Mehrdad Dastouri — Digitally signed by Mehrdad Dastouri DN: cn=Mehrdad Dastouri, c=US, o=USPTO, ou=AU2621, email=mehrdad.dastouri@uspto.gov Reason: I am approving this document Date: 2009.06.17 17:34:06 -04'00'

SPE

2621

Art Unit

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INTELLECTUAL PROPERTY LAW OFFICES
1901 S. BASCOM AVENUE, SUITE 660
CAMPBELL, CA 95008

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OFFICE OF PETITIONS

In re Application of :
Kirby J. Mead :
Application No. 11/090,723 :
Filed: March 24, 2005 :
Attorney Docket No. 60688.300104 :

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(3)

This is a decision in response to the petition under 37 CFR 1.78(a)(3), filed August 28, 2006, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed nonprovisional application No. 10/436,686, set forth in the amendment filed September 20, 2006.

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(s), unless previously submitted;[1]
> **(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.

[1] Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending applications or international applications designating the United States of America must contain or be amended to contain a reference (amendment to the first line of the specification following the title or in an application data sheet (ADS) to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (*see* § 1.14).

The granting of the petition to accept the delayed benefit claim to the prior-filed application(s) 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(s). In order for this application to be entitled to the benefit of the prior-filed application(s), 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(s) should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application(s) 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 Sherry D. Brinkley at (571) 272-3204. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3617 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Frances M. Hicks
Lead, Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

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OFFICE OF PETITIONS

WILMERHALE/NEW YORK
399 PARK AVENUE
NEW YORK NY 10022

In re Application of :
Athineos, et al. :
Application No. 11/090,728 : ON APPLICATION FOR
Filed: March 25, 2005 : PATENT TERM ADJUSTMENT
Atty Docket No. 19240-199-US3 :

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT AND REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §§ 1.702 -1.705, filed August 18, 2009. Applicants submit that the correct patent term adjustment to be indicated on the patent is nine hundred and seven (907) days, not three hundred ninety-six (396) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the

initial determination of patent term adjustment and a projected issuance date of the patent is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Applicants are reminded of their continuing duty of candor to the Office.

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.

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[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Shirene Willis Brantley at (571) 272-3230.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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KOPPEL, JACOBS, PATRICK & HEYBL
555 ST. CHARLES DRIVE
SUITE 107
THOUSAND OAKS CA 91360

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AUG 19 2005

OFFICE OF PETITIONS

In re Application of Douglas Hagen, Patrick Case and Christopher Alder Application No.11/090,744 Filed: March 24, 2005 Attorney Docket No. 101-22-022 Title of Invention: Slip-Resistant Apparatus and Method	DECISION GRANTING STATUS UNDER 37 CFR 1.47(A)

This is in response to the petition under 37 CFR 1.47(a) filed July 18, 2005.

The petition is GRANTED.

Petitioner has shown that non-signing inventor Case has refused to join in the filing of the above-identified application after having been presented with the application papers. The petition attest a copy of the application was sent to non-signing inventor's last known address. The non-signing inventor's failure to respond to the application mailing sufficiently establishes that 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.

After this decision is mailed, the application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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Patrick Case
750 N. Roosevelt
Fresno, CA 93728

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AUG 19 2005

OFFICE OF PETITIONS

In re Application of
Douglas Hagen, Patrick Case and Christopher Alder
Application No.11/090,744
Filed: March 24, 2005
Attorney Docket No. 101-22-022
Title of Invention: Slip-Resistant Apparatus and Method

LETTER

Dear Mr. Case:

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

KOPPEL, JACOBS, PATRICK & HEYBL
555 ST. CHARLES DRIVE
SUITE 107
THOUSAND OAKS CA 91360
ATTN: JAMES K. DAWSON

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JUN 0 4 2009

June 1, 2009

JEFFREY MANN
STROOCK & STROOCK & LAVAN, LLP
180 MAIDEN LANE
NEW YORK, NEW YORK 10038-4982

In re Application of:
James W. Toffey
Application No. 11/090,763
Filed: March 25, 2005

:DECISION ON PETITION
:FOR A CORRECTED
:OFFICE ACTION UNDER
:MPEP SECTION 710.06

This is in response to the petition filed on May 1, 2009 requesting a corrected action to replace the office action of April 28, 2009.

Applicant alleges that the office action is incomplete. Although the Office Action makes mention of claims 1-22, the rejection only addresses elements found in claims 1 and 2 and fails to address any elements of claims 3-22.

Applicant's comments are correct. The office action of April 28, 2009 is incomplete and hereby **VACATED**.

Therefore, to completely address all pending claims, including 3-22, a new, complete office action will be provided to Applicant.

The petition is **GRANTED**.

Telephone inquiries should be directed to Charles R. Kyle, Supervisory Patent Examiner, at (571) 272-6746.

Wynn Coggins, Director
Patent Technology Center 3600
(571) 272-5350

crk/snm: 6/1/2009

SM

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Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

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JUL 2 6 2005

OFFICE OF PETITIONS

In re Application of :
Baraff et al. :
Application No. 11/090,767 :
Filed: March 24, 2005 :
Attorney Docket No. 021751-002210 :

ON PETITION

This is a decision on the petition filed on June 21, 2005, which is being treated as a request to withdraw the requirement to submit Figure 1 as stated in the Notice to File Missing Parts of Nonprovisional Application mailed on April 21, 2005.

On March 24, 2005, applicants filed the above-identified application. The "Brief Description of the Drawings" submitted on filing described, inter alia, Figures 1, 1a, and 1b. On April 21, 2005, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application, stating that the application had been accorded a filing date of March 24, 2005, and indicating, inter alia, that Figure 1 described in the specification appeared to have been omitted.

On June 21, 2005, applicants filed the present petition and paid the requisite fees. Additionally, applicants submitted a copy of their Petition to Accept Color Drawings, the Utility Patent Application Transmittal, and a date-stamped return receipt postcard, as evidence that applicants filed 3 sets of 6 color drawings (including Figures 1a and 1b) on March 24, 2005. However, applicants admitted that Figure 1 is actually two figures, namely Figure 1a and 1b and that there is no separate figure marked as Figure 1. Applicants stated that the sections of the specification that refer to Figure 1 are in error and should instead refer to Figure 1a and/or 1b. Applicants further stated that they would make the appropriate corrections to the specification via a preliminary amendment.

Initially, the Office notes that all the drawing sheets, including Figures 1a and 1b, were located in the official file. However, in the "Brief Description of the Drawings" submitted on filing, applicants referred to Figure 1. As applicants admitted, Figure 1 "was not submitted" on filing. It is obvious from the petition that Figure 1 was not actually missing on March 24, 2005. As applicants explained there is no Figure 1, but rather Figures 1a and 1b. Applicants erroneously referred to Figure 1 in the "Brief Description of the Drawings."

Nevertheless, the Notice of April 21, 2005, was correct in stating that Figure 1 described in the specification appeared to have been omitted. Therefore, the requirement to submit omitted Figure 1 set forth in the Notice was proper and will not be withdrawn. Applicants should file an amendment prior to the first action on the merits to correct the specification.

Accordingly, the petition is dismissed.

The $400.00 petition fee will not be refunded because the present petition was not necessitated by any error on the part of the United States Patent and Trademark Office.

The Office of Initial Patent Examination is directed to process the application with a filing date of March 24, 2005, using the application papers submitted on that date as the original disclosure.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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LAW OFFICE OF CHARLES E. KRUEGER
P.O. BOX 5607
WALNUT CREEK, CA 94596-1607

Mail Date: 05/20/2010

Applicant	: Alan Yee	: DECISION ON REQUEST FOR
Patent Number	: 7620754	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/090,776	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/25/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **542** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

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OFFICE OF PETITIONS

In re Application of :
Antonsson et al. :
Application No. 11/090,786 :
Filed: March 25, 2005 : ON PETITION
Attorney Docket Number: :
3764-165 :

This is a decision on the Petition Under 37 CFR 1.182, filed May 19, 2005, requesting the application be accorded filing date of March 25, 2005, including page 257 of the specification.

The petition is **granted**.

The application was filed on March 25, 2005. However, on May 13, 2005, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application ("Notice"), noting that a filing date had been accorded the application; however, page 257 of the specification appeared to have been omitted from the application.

In response, Petitioner files the instant petition wherein Petitioner avers that page 257 of the specification was among the 260 pages of specification, Claims and Abstract originally filed with the application on March 25, 2005, and was received by this Office as evidenced by the return-receipt postcard. In support, Petitioner provides a copy of a return receipt postcard acknowledging receipt of, *inter alia*, 260 pages of specification, Claims and Abstract on March 25, 2005.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of 260 pages of specification, Claims and Abstract on March 25, 2005. Petitioner has also re-submitted page 257 of the specification with the instant petition.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

The copy of page 257 of the specification, supplied with the instant petition on May 19, 2005, will be used for examination purposes.

No fee has been charged for this petition and none is due.

The application will be referred to the Office of Initial Patent Examination for further processing as a nonprovisional application with a filing date of March 25, 2005, and an indication that page 14 of the specification was present among the 260 pages of specification, Claims and Abstract on filing, using page 257 of the specification filed on May 19, 2005.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Petitions Attorney
Office of Petitions

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Thomas P. Liniak
Berenato, White & Stavish, LLC
6550 Rock Spring Drive
Suite 240
Bethesda, MD 20817

In re Application of	:	
Darrell A. Kerbel et al.	:	
Application No. 11/090,789	:	DECISION ON PETITION
Filed: March 25, 2005	:	TO WITHDRAW
Attorney Docket No. 6288.510DIV	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 5, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Thomas P. Liniak.

Thomas P. Liniak has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There is no outstanding Office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Diana Chase for
David Bucci
Petitions Examiner
Office of Petitions

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BROUSE MCDOWELL, LPA
STE 500
388 S MAIN STREET
AKRON OH 44311-4407

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OFFICE OF PETITIONS

In re Application of	:	
Michael C. Martuccio	:	
Application No. 11/090,804	:	ON PETITION
Filed: March 25, 2005	:	
Attorney Docket No. 330440-100041	:	

This is a decision in response to the petition under 37 CFR 1.137(b), filed March 22, 2007, which is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action mailed June 16, 2006, which set an extendable period for reply of three (3) months. Applicant filed a reply on December 21, 2006 (Certificate of Mailing dated December 18, 2006; in addition,

December 16, 2006 fell on a Saturday). However, the Amendment did not include the three month extension of time required in order to make the reply timely. No authorization to charge the extension of time is found in the Amendment. Accordingly, the application became abandoned on September 17, 2006. A Notice of Abandonment was mailed on January 8, 2007. The Notice of Abandonment erroneously indicated that no reply was received. The Notice should have indicated that a reply was received, but did not include a three month extension of time.

On renewed petition, petitioner would need to submit evidence that a three month extension of time was submitted.

While the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m); and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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In re Application of	:	
Michael C. Martuccio	:	
Application No. 11/090,804	:	ON PETITION
Filed: March 25, 2005	:	
Attorney Docket No. 330440-100041	:	

This is a decision in response to the petition under 37 CFR 1.137(b), filed July 2, 2007.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action mailed June 16, 2006, which set an extendable period for reply of three (3) months. Applicant filed a reply on December 21, 2006 (Certificate of Mailing dated December 18, 2006; in addition, December 16, 2006 fell on a Saturday). However, the Amendment did not include the three month extension of time required in order to make the reply timely. No authorization to charge the extension of time is found in the Amendment. Accordingly, the application became abandoned on September 17, 2006. A Notice of Abandonment was mailed on January 8, 2007. The Notice of Abandonment erroneously indicated that no reply was received. The Notice should have indicated that a reply was received, but did not include a three month extension of time.

With the instant petition, petitioner paid the petition fee and made the proper statement of unintentional delay. The required reply in the form of an Amendment was previously filed on December 21, 2006 (a copy of which has been supplied with the instant petition).

The matter is being forwarded to Group Art Unit 3711 for consideration of the Amendment filed December 21, 2006.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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LAHIVE & COCKFIELD, LLP.
28 STATE STREET
BOSTON MA 02109

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OFFICE OF PETITIONS

In re Application of	:	
Sumi et al.	:	DECISION ON PETITION
Application No. 11/090,817	:	
Filed: March 24, 2005	:	
Attorney Docket No. TOW-118	:	

This is a decision on the petition under 37 CFR 1.10(c), filed June 22, 2005, requesting that the above-identified application be accorded a filing date of March 24, 2005, rather than the presently accorded filing date of March 25, 2005.

Petitioner alleges that the application was deposited in Express Mail service on March 24, 2005. In support of the allegation, the petition is accompanied by a copy of Express Mail label No. EV466145409US, indicating a date-in of March 24, 2005. Additionally, the label contains a United States Postal Service (USPS) stamp of March 24, 2005. The same Express Mail label number was placed on the original application papers located in the official file.

In view of the above, the petition is **granted**.

No petition fee is necessary.

This application file will be forwarded to the Office of Initial Patent Examination for correction of the filing date to March 24, 2005, and the mailing of a corrected filing receipt.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/090,817	03/24/2005	1754	1130	TOW-118	21	17	2

CONFIRMATION NO. 4928

00959
LAHIVE & COCKFIELD, LLP.
28 STATE STREET
BOSTON, MA 02109

UPDATED FILING RECEIPT

OC000000017846677

Date Mailed: 01/17/2006

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)

Hideaki Sumi, Utsunomiya-shi, JAPAN;
Hikaru Okada, Asaka-shi, JAPAN;
Satoshi Hanai, Suzaka-shi, JAPAN;
Hiroshi Machida, Utsunomiya-shi, JAPAN;

Assignment For Published Patent Application

Honda Motor Co., Ltd., Minato-ku, JAPAN

Power of Attorney: The patent practitioners associated with Customer Number **00959**.

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN 2004-086973 03/24/2004

If Required, Foreign Filing License Granted: 04/22/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/090,817

Projected Publication Date: 04/27/2006

Non-Publication Request: No

Early Publication Request: No

Title

Fuel gas production apparatus and method of starting operation of fuel gas production apparatus

Preliminary Class

423

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted

under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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OFFICE OF PETITIONS

In re Application of :
Fujie, et al. :
Application No. 11/090,820 : ON PETITION
Filed: September 1, 2005 :
Attorney Docket No. SAI01 P-482 :

This is a decision on the petition, filed November 6, 2006, requesting that the above-identified application be accorded a filing date of March 25, 2005. The petition will be treated under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**.

The application was filed on March 25, 2005. On June 16, 2005, the Office of Initial Patent Examination (OIPE) mailed a Notice informing petitioners that the application had been accorded a filing date of March 25, 2005 and requesting that petitioners submit an executed declaration, a late declaration surcharge, replacement drawings, and an English language translation of the Japanese language patent application. On September 1, 2005 (certificate of mailing date August 29, 2005), petitioners submitted an executed declaration, a late declaration surcharge, replacement drawings, claim fees, an English language translation of the Japanese language patent application, and a request for a one month extension of time and required fee.

After receiving petitioners' September 1, 2005 (certificate of mailing date August 29, 2005) correspondence, the Office of Initial Patent Examination (OIPE) changed the above-identified application's filing date to September 1, 2005. Petitioners request reinstatement of the March 25, 2005 filing date for the application.

As stated in the June 16, 2005 Notice to File Missing Parts of Nonprovisional Application, the invention entitled, "Apparatus for Dental Diagnosis and Treatment" was assigned application no. 11/090,820 was accorded a filing date of March 25, 2005. The originally filed application

reached the threshold for accordation of filing date. Filing a response to the June 16, 2005 Notice should not have changed the application filing date. Petitioners did not introduce new matter when they responded to the June 16, 2005 Notice. Petitioners merely filed an English language translation of the originally filed Japanese language application.

OIPE erred in changing the filing date.

After the mailing of this decision, the application will be returned to Office of Initial Patent Examination for further processing with a filing date of **March 25, 2005**. The September 1, 2005 (certificate of mailing date August 29, 2005) English language translation of the originally filed Japanese language application will be used for examination purposes.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITE 1900
1211 S.W. FIFTH AVE.
PORTLAND, OR 97204

Mail Date: 04/21/2010

Applicant	: Kapil Sood	: DECISION ON REQUEST FOR
Patent Number	: 7624271	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/090,822	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/24/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1279** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY UT 84111

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OFFICE OF PETITIONS

DECISION

In re Application of :
Danieli, et al. :
Application No. 11/090,826 :
Filed: 24 March, 2005 :
Attorney Docket No. 13768.810.53.1 :

This is a decision on the petition filed on 15 June, 2009, for revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b).

The petition under 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee. (However, it does not appear that a terminal disclaimer and fee are due here.)

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the final Office action mailed on 24 October, 2008, with reply due absent extension of time on or before 24 January, 2009.

On 23 January, 2009, Petitioner filed an amendment after final, which the Examiner refused to enter and Petitioner—as one registered to practice before the Office—knew was not as of right

and not a proper reply[1] if it did not *prima facie* place the application in condition for allowance, and on 13 February, 2009, the Examiner mailed an Advisory Action.

The application went abandoned by operation of law after midnight 24 January, 2009.

It does not appear that the Office mailed the Notice of Abandonment before a petition was filed.

On 15 June, 2009, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b), with a reply in the form of the Fees Due, along with a request for continued examination (RCE) with fee and a submission pursuant to 37 C.F.R. §1.114 in the form of an amendment and made the statement of unintentional delay.

(The request and fee for extension of time filed after expiration of the statutory period of reply are not proper. The fee will be refunded. Should Petitioner later find that the fee has not been refunded, Petitioner should file a request with the Office of Finance and submit with it a copy of this decision.)

Again, Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[3]

---

[1] A proper reply is an amendment *prima facie* placing the application in condition for allowance, a Notice of Appeal, or an RCE (with fee and submission under 37 C.F.R. §1.114). (See: MPEP §711.03(c).)

[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[3] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[4]))

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under 37 C.F.R. §1.137(b) have been satisfied.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 3714 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

[4] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[5]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[5] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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Perkins Coie LLP
P.O. Box 1208
Seattle, WA 98111-1208

Mail Date: 04/20/2010

Applicant	: Joydeep Sarma	: DECISION ON REQUEST FOR
Patent Number	: 7631021	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/090,829	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/25/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **484** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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GALEN J. MAY
7630 THOLL DRIVE
RENO, NV 89506

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JUL 0 7 2006
OFFICE OF PETITIONS

In re Application of	:	
Galen J. May	:	
Application No. 11/090,853	:	DECISION ON PETITION
Filed: April 2, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. PU1069	:	37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 19, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The petition includes a statement by Galen J. May attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Wan Laymon at 571-272-3220.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2612 for action on the merits commensurate with this decision.

Wan Laymon

Wan Laymon
Petitions Examiner
Office of Petitions

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300 S. WACKER DRIVE
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CHICAGO IL 60606

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In re Application of	:	
Juan Saus	:	
Application Number: 11/090878	:	ON PETITION
Filing Date: 03/25/2005	:	
Attorney Docket Number: 98,723-C3-D	:	

This is a decision on the "REQUEST TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. 1.181," filed on August 4, 2008, which is treated as a petition under 37 CFR 1.181.

The petition is **dismissed**.

This application became abandoned on December 8, 2007, for failure to timely reply to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on November 7, 2007, which set a one (1) month shortened period for reply. The filing of the present petition precedes the mailing of Notice of Abandonment.

Petitioners assert that a review of Private PAIR indicates that a Notice of Non-Compliant Amendment was mailed on November 2, 2007, and that the Notice mailed on November 2, 2007 was never received. In support of that allegation, petitioners have submitted a copy of a mail log and a docket record and have provided a statement by registered patent practitioner David S. Harper, attesting that a search of the file jacket and the docketing records indicates that this Office communication was not received. A copy of the docket record where the non-received Notice of Non-Compliant Amendment mailed on November 7, 2007, would have been entered had it been received and docketed is referenced in the practitioner's statement.

A review of the Image File Wrapper for the subject application reveals that a transmittal sheet for an Office communication is located therein, coded as a Notice of Non-Compliant Amendment, with a date of November 2, 2007. The Notice of Non-Compliant Amendment located in the Official file, however, has a mail date of November 7, 2007. Additionally, the Notice of Abandonment

mailed on March 13, 2008, states that "Applicant did not respond to the Notice of Non-Compliant Amendment of 11/7/07."

Accordingly, the record suggests that the Notice of Non-Complaint Amendment was mailed on November 7, 2007, rather than on November 2, 2007. Therefore, a showing that the Notice of Non-Complaint Amendment was not received must include a complete showing, including a master docket report, as described *infra*, showing where the Notice of Non-Complaint Amendment mailed on November 7, 2007, would have been docketed for reply had it been received.

A review of the record indicates no irregularity in the mailing of the Notice of Non-Compliant Amendment mailed on November 7, 2007, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notification of Non-Compliant Amendment mailed on November 7, 2007 was properly mailed to the address of record. This presumption may be overcome by a showing that the Notification of Non-Compliant Amendment mailed on November 7, 2007 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 showing all replies docketed for one (1) month from the mailing date of the Notice of Non-Compliant Amendment mailed on November 7, 2007. Rather, petitioner has provided a docketing report only for replies received on November 2, 2007.

Petitioner's counsel states that "If Applicant had received the Notice of Non-Complaint Amendment mailed on November 2, 2007, a reply date for the Notice would have been listed in this docketing report. However, petitioners must show that the Notice of Non-Compliant Amendment mailed on November 7, 2007, was never received.

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 Amendment mailed on November 7, 2007 should include the master docket for the firm for that period. That is, if a one (1) month period for reply was set in the nonreceived Notification of Non-Compliant Amendment mailed on November 7, 2007, 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 Amendment mailed on November 7, 2007 must be submitted as documentary proof of nonreceipt of the Notification of Non-Compliant Amendment mailed on November 7, 2007.

Accordingly, the petition is dismissed, but such dismissal is without prejudice to reconsideration pending submission of the information requested above.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. **This time period is not extendable.**[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 FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[1] 37 CFR 1.181(f).

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CHICAGO IL 60606

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ON PETITION

In re Application of :
Juan Saus :
Application Number: 11/090878 :
Filing Date: 03/25/2005 :
Attorney Docket Number: 98,723-C3-D :

This is a decision on the "REQUEST TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. 1.181," filed on January 19, 2009, which is treated as a renewed petition under 37 CFR 1.181.

The petition is **GRANTED**.

This application became abandoned on December 8, 2007, for failure to timely reply to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on November 7, 2007, which set a one (1) month shortened period for reply. Notice of Abandonment was mailed on May 13, 2008. The petition filed on August 4, 2008, was dismissed on December 24, 2008.

Petitioners again assert that the Notice of Non-Compliant Amendment was never received. In support of that allegation, petitioners have submitted a copy of a mail log and a docket record and have provided a statement by registered patent practitioner Isadora F. Bielsky, attesting that a search of the file jacket and the docketing records indicates that this Office communication was not received.. The mail log includes all correspondence received between November 1, 2007 and December 7, 2007. Additionally, a copy of the firm's docket report showing all items docketed between November 30, 2007 and December 24, 2007 has been provided. A copy of the docket record where the non-received Notice of Non-Compliant Amendment mailed on November 7, 2007, would have been entered had it been received and docketed is referenced in the practitioner's statement.

Accordingly, there was no abandonment in fact. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED.**

The application file is being referred to Technology Center 1644 technical support staff for remailing of the Notice of Non-Compliant Amendment (37 CFR 1.121). The period for reply will be reset from the mailing date thereof.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/090,901	03/25/2005	3722	1130	5599	3	5	1

CONFIRMATION NO. 1799

CORRECTED FILING RECEIPT

OC000000016149324

26936
SHOEMAKER AND MATTARE, LTD
10 POST OFFICE ROAD - SUITE 110
SILVER SPRING, MD 20910

Date Mailed: 05/31/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Wang Yip Lam, Hong Kong, CHINA;

Power of Attorney: The patent practitioners associated with Customer Number **26936**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 04/22/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/090,901

Projected Publication Date: 09/28/2006

Non-Publication Request: No

Early Publication Request: No

Title

Easy to open ring binder mechanism

Preliminary Class
402

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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MORRISS OBRYANT COMPAGNI PC
734 EAST 200 SOUTH
SALT LAKE CITY UT 84102

In re Application of	:	
Allen, et al.	:	
Application No. 11/090,909	:	ON PETITION
Filed: March 24, 2005	:	
Attorney Docket No. 3212.SMII.NP	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 21, 2008, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a response to the non-final Office action mailed December 10, 2007. This Office action set an extendable period for reply of three months. No extensions of time were obtained. Accordingly, no reply having been received, the application became abandoned on March 11, 2008. A Notice of Abandonment was mailed on June 20, 2008.

With the instant petition, applicants paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of an Amendment.

The matter is being forwarded to Group Art Unit 1793 for consideration of the Amendment filed July 21, 2008.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

COPY MAILED
SEP 24 2008

In re Application of Miles et al. :
Application No. 11/090,911 : Decision on Petition
Filing Date: March 25, 2005 :
Attorney Docket No. IRDM.126CP1/IDC-0017B1 :

This is a decision on the petition filed June 9, 2008, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **granted**.

The Office issued a Notice of Abandonment on April 7, 2008. The Notice indicated the application was abandoned for failure to pay the issue fee and publication fee in response to a Notice of Allowance.

Petitioner concedes petitioner received an email notification on December 11, 2007, indicating the instant application included new paper correspondence. However, petitioner states, on December 11, 2007, the only papers available were a Supplemental Notice of Allowability and its attachments.

Petitioner also states the Notice of Allowance was not in the image file on December 12, 2007.

The Office has investigated internal Office records and has verified the Notice of Allowance was not scanned into the Image File Wrapper during December of 2007.

Since the Notice of Allowance was never "received" by petitioner, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

As requested by petitioner, a new Notice of Allowance will be mailed and the period for reply will be re-started.

Technology Center Art Unit 2815 will be informed of the instant decision. Thereafter, the Technology Center's technical support staff will mail a new Notice of Allowance. The time period for responding to the new Notice of Allowance will be set to run from the mailing date of the new Notice of Allowance.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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PERKINS COIE LLP
P.O. BOX 2168
MENLO PARK CA 94026

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DEC 0 9 2005

OFFICE OF PETITIONS

In re Application of	:	DECISION GRANTING STATUS
Alexandre Baptista	:	UNDER 37 CFR 1.47(b)
Application No. 11/090,933	:	
Filed: March 24, 2005	:	
Attorney Docket No. 37469-8025.US01	:	
Title: Portable Vacuum Packaging Appliance	:	

This is in response to the petition under 37 CFR 1.47(b), filed November 7, 2005. Applicant obtained an extension of time for response within the fifth-month. Accordingly, the petition is filed timely.

The petition is granted.

Applicant showed that Alexandre Baptista, the non-signing inventor, by his conduct, refused to join in the application after being mailed the application papers via Federal Express. Applicant demonstrated that Tilia International Inc. ("Tilia") has a proprietary interest in the above-identified application with the copy of an employment agreement, showing that the inventor had an obligation to assign any patent rights to Tilia. Applicant submitted the requisite fees, a statement of the inventor's last known address, and a declaration in compliance with 37 CFR 1.63 and 1.64.[1] Additionally, applicant indicated that such action was necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Initial Patent Examination for action consistent with this decision.

[1] On November 15, 2005, the Office mailed a Notice of Informal Application, stating that the application is considered informal and requiring a new declaration because the declaration of November 7, 2005, does not identify the inventor's citizenship. Upon a further review of the declaration submitted with the present petition, page 2 of the declaration identifies Mr. Baptista as a citizen of the United States. **Accordingly, the Notice of Informal Application of November 15, 2005, is vacated.**

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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Alexandre Baptista
8078 Creekside Drive
Dublin CA 94568

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DEC 0 9 2005

OFFICE OF PETITIONS

In re Application of :
Alexandre Baptista :
Application No. 11/090,933 :
Filed: March 24, 2005 :
Attorney Docket No. 37469-8025.US01 :
Title: Portable Vacuum Packaging Appliance :

LETTER

Dear Mr. Baptista:

You are named as the sole inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a sole inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

C. T. Donnell
Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

PERKINS COIE LLP
P.O. BOX 2168
MENLO PARK CA 94026

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP
806 SW BROADWAY
SUITE 600
PORTLAND, OR 97205-3335

Mail Date: 04/21/2010

Applicant	: Robert Hafner	: DECISION ON REQUEST FOR
Patent Number	: 7600353	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/090,936	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/23/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **874** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Patent No. : 7,198,892
Ser. No. :11/090,952
Inventor(s) : Simmonds, et. al.
Issued : April 3, 2007
Title :HEPATITIS C VIRUS TYPE 4, 5, AND 6
Docket No. : 6506US.01

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
40l Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) **308-9390 ext. 124** or 105

Edward R. Ergenzinger
Alston & Bird LLP
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000

ej

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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

MAILED

APR 07 2010

OFFICE OF PETITIONS

In re Patent No. **7,198,892**	:	
Issue Date: April 4, 2007	:	
Application No. 11/090,952	:	DECISION ON PETITION
Filed: March 25, 2005	:	UNDER 37 CFR 3.81(b)
Attorney Docket No: **031749/290513**	:	

This is a decision on the petition filed August 28, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to Monica A. Graves at (571) 272-7253. 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.

Thurman K. Page
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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OFFICE OF PETITIONS

ELECTRO SCIENTIFIC INDUSTRIES/STOEL RIVES, LLP
900 SW FIFTH AVE.
SUITE 2600
PORTLAND, OR 97204-1268

In re Application of	:	
William J. Saunders et al	:	
Application No. 11/090,958	:	ON PETITION
Filed: March 25, 2005	:	
Attorney Docket No. 50001/140:1 USA	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 18, 2010, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of July 21, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is October 22, 2009.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $1110 extension of time submitted with the petition on February 18, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card.

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 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 the undersigned at (571) 272-3210.

This application is being referred to Technology Center AU 3728 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment filed February 18, 2010 submitted in accordance with 37 CFR 1.114.

Irvin Dingle
Petition Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/090,963	03/25/2005	Robert M. Lee	3751.1000-002	2325

21005 7590 11/17/2009
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

EXAMINER
BHAT, ADITYA S

ART UNIT	PAPER NUMBER
2863	

MAIL DATE	DELIVERY MODE
11/17/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
11090963	3/25/2005	LEE, ROBERT M.	3751.1000-002

EXAMINER
ADITYA BHAT

ART UNIT	PAPER
2863	20091112

DATE MAILED:

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Applicant's letter requesting correction of inventorship dated 8/5/2009 has been received and approved. Holly DeBlois has been added as a co-inventor in this application.

/Aditya Bhat/
Primary Examiner, Art Unit 2863

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FEB 26 2010

OFFICE OF PETITIONS

DIGIMARC CORPORATION
9405 SW GEMINI DRIVE
BEAVERTON OR 97008

In re Application of	:	
Stephen K. Decker et al.	:	
Application No. 11/090,968	:	ON PETITION
Filed: March 23, 2005	:	
Attorney Docket No. P1084	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 3, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed, June 2, 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 September 3, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal, with the required fee of $540, (2) the petition fee of $1620, and (3) a proper statement of unintentional delay. Accordingly, the Notice of Appeal is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2624 for processing of the response and any action that is required by the Examiner in the normal course of business.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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MAR 3 1 2010

OFFICE OF PETITIONS

DIGIMARC CORPORATION
9405 SW GEMINI DRIVE
BEAVERTON OR 97008

In re Application of	:	
Stephen K. Decker et al.	:	
Application No. 11/090,968	:	CORRECTED DECISION ON
Filed: March 23, 2005	:	PETITION
Attorney Docket No. P1084	:	

This is a corrected decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 3, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed, June 2, 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 September 3, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal, with the required fee of $540, (2) the petition fee of $1620, and (3) a proper statement of unintentional delay. Accordingly, the Notice of Appeal is accepted as being unintentionally delayed.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2624 for processing of the response and any action that is required by the Examiner in the normal course of business.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/28/06

Paper No.: —

TO SPE OF : ART UNIT 2876

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/090922 Patent No.: 7097109B2

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Virginia Tolbert
Certificates of Correction Branch

703-308-9390 ext. 113

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: The requested change is to correct typographical errors.

SPE

2876
Art Unit

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JUN - 2 2005

PRESTON GATES & ELLIS LLP
ATTN: C. RACHAL WINGER
925 FOURTH AVE
SUITE 9200
SEATTLE WA 98104-1158

In re Application of	:
Michael E. Gertner et al	:
Serial No.: 11/090,998	: PETITION TO MAKE SPECIAL
Filed: March 24, 2005	:
Attorney Docket No.: 51298-00003	:

This is in response to the petition filed March 24 2005, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, XII. Therefor the petition is **GRANTED**.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at 571-273-8300.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

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CYMER INC
LEGAL DEPARTMENT
17075 THORNMINT COURT
SAN DIEGO CA 92127-2413

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FEB 25 2009

OFFICE OF PETITIONS

In re Reissue Application of :
Peter C. Newman et al. :
Application No. 11/091,005 : ON PETITION
Filed: March 25, 2005 :
Attorney Docket No. 1999-0076-07 :

This is a decision on the petition under 37 CFR 1.47(a) filed December 12, 2008, which is being treated as a petition under 37 CFR 1.183 requesting waiver of 37 CFR §§ 1.67 and 1.172 which would require that the supplemental reissue declaration of March 25, 2005 have been executed by the inventors.[1]

The petition is **DISMISSED**.

BACKGROUND

1. U.S. Patent No. 6,539,046 issued to Newman, Melchior and Sandstrom on March 25, 2003.

2. A broadening reissue application was filed for the '046 patent on March 25, 2005, and it was assigned application number 11/091,005.

3. Reissue Application 11/091,005 was filed with a REISSUE APPLICATION DECLARATION BY THE ASSIGNEE, signed by Nancy J. Baker, Senior V.P. and Chief Financial Officer, CYMER, INC., the assignee, and with a statement under 37 CFR 3.73(b).

4. On September 12, 2008, a non-Final Office Action was mailed in the instant application, noting that the reissue oath/declaration filed with this application is defective, as follows:

   1) The reissue oath/declaration filed March 25, 2005 with this application is defective because it fails to identify at least one error which is relied upon to

[1] Rule 47 only applies where, in the first instance, the signature of an originally named, or to be added, inventor can not be obtained. As both Wong and Peng executed an original reissue declaration and thus "made" the application, 37 CFR 1.47 never applied to this case. See 37 CFR 1.47; MPEP 201.03. Rather, the remedy lies under 37 CFR 1.183 when a required supplemental declaration is not executed in whole or in part by one or more previously signing inventors. See MPEP 603.

support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414.

2) The reissue oath/declaration filed March 25, 2005 with this application is defective because the error which is relied upon to support the reissue application is not an error upon which a reissue can be based. See 37 CFR 1.175(a)(1) and MPEP § 1414.

3) The reissue oath/declaration filed March 25, 2005 with this application is defective (see 37 CFR 1.175 and MPEP § 1414) because in accordance with MPEP 1414; "A statement that the original patent is "wholly or partly inoperative or invalid" (emphasis added) by reason of the patentee "claiming more or less than the patentee had the right to claim in the patent" (emphasis added) is improper since a claim cannot claim "more or less" at the same time."

5. A response to the non-Final Office Action was filed December 12, 2008 with a supplemental reissue declaration in response to the September 12, 2008 non-Final Office Action.

6. The supplemental reissue declaration is signed by joint inventors Melchior and Sandstrom and the petition purports to show that diligent efforts have been made to obtain execution of the supplemental reissue declaration by joint inventor Newman, however the mail was returned undeliverable.

DECISION

The provisions of 35 U.S.C. 251, which is directed to reissue of patents, do not address the signature requirements of a declaration or oath in reissue. As to the reissue regulations, 37 CFR 1.172 requires that a reissue declaration or oath be made (and signed) by the inventors, except as otherwise provided (37 CFR §§ 1.42, 1.43, 1.47), where the scope of the claims of the original patent is being enlarged. In addition, 37 CFR 1.175(b)(1), requires that:

> "For any error corrected, which is not covered by the oath or declaration submitted under paragraph (a) of this section, applicant must submit **a supplemental oath or declaration** stating that every such error arose without any deceptive intention on the part of the applicant." [Emphasis added]

37 CFR 1.175(b)(1), taken in conjunction with 37 CFR 1.172, requires that a supplemental oath or declaration be signed by the inventor(s). This is because all oaths or declarations necessary to fulfill the rule requirements in a reissue application are taken together collectively as a single oath or declaration. Thus, each oath and/or declaration must bear the appropriate signatures of the inventors.

In the present instance, the supplemental reissue declaration is signed by two of the

three joint inventors. 37 CFR 1.183 permits, in an extraordinary situation, waiver of a rule which is not a requirement of the statute, where justice requires such waiver, and the present petition is being treated as a waiver of the requirement that the 37 CFR 1.175(b)(1) supplemental declaration be signed by all of the inventors.

The STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR (37 CFR § 1.47) provides:

> "The last known address of Mr. Peter C, Newman is 627 Cornish Drive, Encinitas, CA 92024. The undersigned has attempted to obtain Mr. Newman's signature of the Declaration. On December 3, 2008, a letter was mailed via Certified Mail, Return Receipt Requested, On December 11, 2008, the letter was returned as undeliverable. A copy of the letter and returned envelope are enclosed."

Although the instant petition refers to the letter mailed December 3, 2008 to show that petitioners forwarded a copy of the Supplemental Reissue Declaration to the last known address of joint inventor Newman by certified mail, petitioner has not shown that Supplemental Reissue Declaration was sent with along with a copy of the presently pending claims and the '046 patent specification. Thus, petitioners have not provided sufficient proof that a copy of the Supplemental Declaration along with a copy of the presently pending claims and the '046 patent specification was sent to the non-signing inventor.

Petitioners may show proof that a copy of the Supplemental Reissue Declaration along with a copy of the presently pending claims and the '046 patent specification was sent or given to the non-signing inventor for review.

Additionally, while petitioners have shown that the letter including the Supplemental Reissue Declaration was sent to the last known address for joint inventor Newman by way of certified mail and returned as undeliverable, petitioners have not shown that the non-signing inventors cannot be found or located. This is a conclusion and has not been supported by a showing as to the unavailability of the inventors. Petitioner has not submitted adequate proof that diligent efforts have been made to locate the non-signing inventor. *As petitioner has set forth that the non-signing joint inventor cannot be located, Petitioner is required to establish that a diligent effort was made to locate the non-signing inventor.* Petitioner has set forth that the letter sent by certified mail was returned as undeliverable. It does not appear that Petitioner undertook any further effort to locate the individual. Petitioner is required to establish that a <u>diligent effort</u> was made to locate the non-signing inventor. There is no indication that the Rule 47 applicant attempted to verify the address of the non-signing inventor or to determine his forwarding address and to send the application papers to that address for consideration

by the inventor.[1] If the petition appropriately details the attempts made to obtain a forwarding address or to locate the non-signing inventor by other means such as through E-mail, telephone, or the Internet and states that these attempts have failed, then applicant will have provided the necessary proof required under 37 C.F.R. §1.47 that the inventor cannot be reached. Details of the efforts to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person having first hand knowledge of the details.

A showing is required, as explained, as to what additional efforts were made to locate the non-signing inventor and to obtain the non-signing inventor's signature, and why they were not successful.

Since the showing as to extraordinary circumstances is incomplete, § 1.183 cannot be invoked in order to waive §§ 1.172 and 1.175.

CONCLUSION

1. The instant petition fails to provide an appropriate and sufficient showing that the Supplemental Reissue Declaration forwarded to joint inventor Newman included a copy of the '046 patent.

2. The instant petition fails to provide an appropriate and sufficient showing that the diligent efforts were made to forward the supplemental reissue declaration to inventor Newman.

3. The provisions of 37 CFR 1.175(b)(1), and 37 CFR 1.172 therefore cannot be waived and the "Supplemental Reissue Application Declaration" signed only by joint inventors Melchior and Sandstrom submitted with the present petition can not be accepted as though it was signed by both joint inventors Newman, Melchior and Sandstrom.

4. Any petition provided in response to this decision must be accompanied by sufficient proof that the Supplemental Reissue Declaration and a copy of the -046 patent have been forwarded to joint inventor Newman and that joint inventor Newman (i) cannot be found or reached after a diligent effort or (ii) refuses to execute the declaration.

5. Form PTO-2038 was not found amongst the petition papers filed December 12, 2008. Further, petitioner is advised that while the fee for a petition under 37 CFR 1.47 is set at $200, a the fee for a petition under 37 CFR 1.183 is set at $400. Petitioner's deposit account no. 03-4060 has been charged in the amount of

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[2] See MPEP 409.03(d).

$400 for the petition filed herein pursuant to 37 CFR 1.17(f) consistent with the authorization in the petition.

Any renewed petition in response to this decision must be filed within **TWO (2) MONTHS** of the mailing date of this decision.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300

Telephone inquiries concerning this matter may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Kenneth M. Schor
Senior Legal Advisor
Office of Patent 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

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OCT 17 2007

OFFICE OF PETITIONS

DARBY & DARBY P.C.
P.O. BOX 770
CHURCH STREET STATION
NEW YORK, NY 10008-0770

In re Application of :
Beth A. Burnside et al :
Application No. 11/091,010 : ON PETITION
Filed: March 24, 2005 :
Attorney Docket No. 20342/1202664-US1

This is a decision on the petition, filed October 16, 2007 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 24, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1617 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DARBY & DARBY P.C.
P.O. BOX 770
CHURCH STREET STATION
NEW YORK NY 10008-0770

MAILED

MAY 21 2009

OFFICE OF PETITIONS

In re Application of	:	
Beth A. Burnside et al	:	
Application No. 11/091,010	:	DECISION GRANTING PETITION
Filed: March 24, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 20342/1202653-US6	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 14, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 20, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 1617 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

PETER POYSER
1455 2ND AVE
SAN DIEGO CA 92101

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FEB 0 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Jay Poyser et al.	:	
Application No. 11/091,093	:	ON PETITION
Filed: June 9, 2005	:	
Title: **ULTIMATE DRYWALL SQUARE**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 20, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 14, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on March 15, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1) & (2).

A reply to the Examiner's Office action mailed December 14, 2006 has to be accompanied with this petition under 37 CFR 1.137(b) to be considered grantable. Also, you paid a fee of $60, which is the incorrect fee to file this petition. The correct amount is $750, which you owe an additional $690.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

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

JESSE FOSTER
4005 3RD STREET
ALEXANDRIA, LA 71302

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MAR 06 2006

OFFICE OF PETITIONS

In re Application of	:	
Jesse Foster	:	
Application No. 11/091,094	:	DECISION ON PETITION
Filed: March 29, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 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 Inventor Jesse Foster's birth certificate showing that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1746 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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SEP 09 2005

OFFICE OF PETITIONS

BARNES & THORNBURG
11 SOUTH MERIDIAN
INDIANAPOLIS IN 46204

In re Application of	:
Keska, et al.	: DECISION GRANTING STATUS
Application No. 11/091,118	: UNDER 37 CFR 1.47(a)
Filed: March 28, 2005	:
Dkt. No.: 20341-76924	:
For: MOTORIZED DRIVE FOR	:
JUVENILE SWING	:

This decision is in response to the petition under 37 CFR 1.47(a) filed August 16, 2005.

The petition is **GRANTED**.

Petitioner has shown that inventors T. Keska and C. Briden either cannot be reached or located to execute the declaration or has refused to sign the declaration after having been presented with the application papers.

Thus, the above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

TADEUSZ W. KESKA
175 OLD COUNTY ROAD
SMITHFIELD, RI 02917

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SEP 09 2005

OFFICE OF PETITIONS

In re Application of	:	
Keska, et al.	:	
Application No. 11/091,118	:	LETTER
Filed: March 28, 2005	:	
Dkt. No.: 20341-76924	:	
For: MOTORIZED DRIVE FOR	:	
JUVENILE SWING	:	

Dear Sir:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3205. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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CHRISTOPHER C. BRIDEN
202 COLVINTOWN ROAD
COVENTRY, RI 02816

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SEP 09 2005
OFFICE OF PETITIONS

In re Application of	:	
Keska, et al.	:	
Application No. 11/091,118	:	LETTER
Filed: March 28, 2005	:	
Dkt. No.: 20341-76924	:	
For: MOTORIZED DRIVE FOR	:	
JUVENILE SWING	:	

Dear Sir:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3205. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

Mail Date: 04/21/2010

Applicant	: Jaime A. Arbona	: DECISION ON REQUEST FOR
Patent Number	: 7578133	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/091,120	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1179** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.
11/091,126	03/28/2005	Matthew P. Nelson	056751-5113	2961

7590 03/15/2007

Daniel H. Golub
1701 Market Street
Philadelphia, PA 19103

EXAMINER
GIGLIO, BRYAN J

ART UNIT	PAPER NUMBER
2877	

MAIL DATE	DELIVERY MODE
03/15/2007	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

Paper No. 03052007

Daniel H. Golub
1701 Market Street
Philadelphia PA 19103

In re Application of:	:	
NELSON et al.	:	PETITION TO ACCEPT COLOR DRAWINGS UNDER 37 CFR § 1.84(a)(2)
Serial No.: 11/091,126	:	
Filed: March 28, 2005	:	
Attorney Docket No.: 056751-5113	:	

This is a decision on the petition filed August 29, 2005 to accept color drawings under 37 CFR § 1.84(a)(2).

The petition is granted and the drawings have been accepted.

Gregory J. Toatley, Jr.
Supervisory Patent Examiner,
Art Unit 2877

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

WALL & TONG, LLP/
ALCATEL-LUCENT USA INC.
595 SHREWSBURY AVENUE
SHREWSBURY, NJ 07702

Mail Date: 04/21/2010

Applicant	: Pramod V. N. Koppol	: DECISION ON REQUEST FOR
Patent Number	: 7573811	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/091,136	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **829** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.

RAYTHEON COMPANY
Bldg. E04, Mail Stop: N119
2000 E. El Segundo Boulevard
P.O. Box 902
El Segundo, CA 90245-0902

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JUN 20 2005

OFFICE OF PETITIONS

In re Application of	:	
Halmos et al.	:	
Application No. 11/091,152	:	DECISION
Filed: March 28, 2005	:	ON PETITION
Atty Docket No. PD-04W205	:	

This is a decision on the "PETITION UNDER 37 C.F.R. 1.53(e) and/or 37 C.F.R. 1.182" filed June 6, 2005, to accord the application a filing date of March 28, 2005, with Figs. 3-5 as a part of the original application disclosure.

The petition is **DISMISSED**.

Applicants are given **TWO (2) MONTHS** from the mail date of this decision to respond to this decision. This period is not extendable. See § 1.181(f).

Application papers in the above-identified application were filed on March 28, 2005. However, on May 13, 2005, the Initial Patent Examination Division mailed applicants a "Notice of Omitted Items in a Nonprovisional Application." Applicants were notified that the application papers had been accorded a filing date; however, Figs. 3-5 described in the specification appeared to have been omitted from the application.

In response, applicants timely filed the instant petition. Patent agent for applicants declares that, to the best of his

knowledge, the application was filed with two sheets of drawings (containing Figs. 1-5). In support thereof, petitioner submitted copies of the application transmittal form, their return postcard receipt, and the drawings as he maintains they were filed.

Petitioner's evidence has been considered, but not found persuasive. The application transmittal form indicates that the application included 2 sheets of figures. However, a transmittal is not *prima facie* evidence of the filing of papers with the Office. The transmittal reflects what applicant intended to file. Upon receipt of the application, the Office does not place a stamp on such a transmittal to acknowledge receipt of the items listed thereon. As such, the transmittal is not persuasive evidence that applicants filed the drawings as intended.

On the other hand, a postcard receipt, which itemizes and properly identifies the items, which are being filed, serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioner's postcard receipt reveals that: 1) it was date stamped as received in the Office of Initial Patent Examination (OIPE) on March 28, 2005, and the papers filed therewith were assigned application No. 11/091,152; 2) it specifically identifies the items being filed, including "02 Sheets of Formal Drawings" and 3) it lacks any annotation of nonreceipt of any item denoted on the postcard. Thus, petitioner has shown that the items denoted, including the 2 pages of drawings, were filed on March 28, 2005.

The application papers already considered received in the Office on March 28, 2005, were reviewed. The review revealed the Office received two sheets of drawings on March 28, 2005; however, both sheets contained figures 1 and 2. Figures 3-5 were missing. In this instance, the postcard does not overcome the conclusion that 2 sheets of drawings, both containing figures 1 and 2 were filed on March 28, 2005. Petitioner has not shown that Figs. 3-5 were among the items present in the application on the date of deposit.

Accordingly, the petition is **DISMISSED**.

Receipt of the petition fee is acknowledged.

The application with a filing date of March 28, 2005, and figures 1-2 present in the application is being returned to the Office of Initial Patent Examination (OIPE) for completion of pre-examination processing.

Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Further correspondence with respect to this decision should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By fax: (703) 872-9306
ATTN: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PATENT LAW & VENTURE
GROUP
2424 S.E. BRISTOL, SUITE 300
NEWPORT BEACH CA 92660

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JAN 16 2008

OFFICE OF PETITIONS

In re Application of

Norman E. Mundziakiewicz :

Application No. 11/091,157

: DECISION ON PETITION

Filed: March 28, 2005

:

Attorney Docket No. Mundzi.N-01 (IDG)

This is a decision on the petition under 37 CFR 1.137(b), filed July 25, 2007.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 2, 2006, which set a period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on September 3, 2006. A Notice of Abandonment was mailed on January 10, 2007.

The amendment filed July 25, 2007, is noted.

The application is being forwarded to Technology Center 3700, GAU 3711 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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ALEXANDRIA, VA 22313-1450
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Joel Wall, Esq.
c/o Christian Andersen
Verizon Corporate Services Group Inc.
600 Hidden Ridge, HQE03H14
Irving TX 75038

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FEB 09 2006

OFFICE OF PETITIONS

Applicant: Valdez
Appl. No.: 11/091,158
Filing Date: March 28, 2005
Title: METHOD AND APPARATUS FOR FACILITATING INTEGRATED ACCESS TO COMMUNICATIONS SERVICES IN A COMMUNICATION DEVICE
Attorney Docket No.: 04-1006
Pub. No.: US 2005/0220286 A1
Pub. Date: October 6, 2005

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 6, 2005, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error, as the benefit/priority claim to U.S. Provisional Application No. 60/475,047, which was filed on June 2, 2003, was not included on the front page of 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]

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The application was correctly published. The instant application filed on March 28, 2005, made a benefit claim to provisional application 60/475,047 filed June 2, 2003, but the claim is improper because it is more than a year before the filing date of the application.
To make a benefit/priority claim, 37 CFR 1.78 in summary requires that the benefit claim to an earlier filed application be contained in the first sentence of the application or be submitted in an amendment or application data sheet within the required time frame within the later of four months from the actual filing date or the date on which the national stage commenced, or sixteen months from the filing date of the prior-filed application. According to 37 CFR 1.55, the priority claim must identify the foreign application and filing date, within the required time frame within the later of four months from the actual filing date or the date on which the national stage commenced, or sixteen months from the filing date of the prior-filed application. [3] Since a proper benefit claim to an earlier filed application was not made within the required time period, it was not properly published on the patent application publication.

In order to make a late benefit claim to the earlier filed applications, applicant must submit a petition to accept an unintentionally delayed claim under 35 U.S.C. 119 and 120 for the benefit of the earlier filed applications. The petition must include 1) the surcharge ($1370) set forth in 37 CFR 1.14(t) and 2) a statement that the entire delay between the date the claim was due under paragraph (a)(5) of this section and the date the claim was filed was unintentional. The petition must also include a proper reference (amendment) to the prior applications in order for the petition to be granted.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on December 6, 2005, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

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.

[3] See Claiming the Benefit of a Prior-Filed Application under 35 U.S.C. §§ 119(e), 120, 121, and 365(c), 1268 Off. Gaz. Pat. Office Notices 89 (March 18, 2003).

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
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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ADAMS EVANS P.A.
2180 TWO WACHOVIA CENTER
CHARLOTTE NC 28282

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MAR 24 2006

OFFICE OF PETITIONS

In re Application of	:	
Gilbert W. SKILLMAN	:	
Application No. 11/091,162	:	DECISION ON PETITION
Filed: March 28, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 3339/1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 20, 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 by applicant verifying his age as over 65 years. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to BethAnne Dayoan at 571-272-3209.

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 2622 for action on the merits commensurate with this decision.

BethAnne Dayoan
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Tyco Healthcare Group LP
60 MIDDLETOWN AVENUE
NORTH HAVEN, CT 06473

Mail Date: 04/21/2010

Applicant	: Thomas Wenchell	: DECISION ON REQUEST FOR
Patent Number	: 7582071	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/091,165	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **927** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

OIPE JC103
MAY 1 6 2005
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)
	)
ERIC HOFFMAN, ET AL.	)
	)
Serial No. 11/091,170	)
	)
Filed: March 28, 2005	) METHOD AND APPARATUS
	) FOR DIRECTING ENERGY BASED
Art Unit: 1732	) RANGE DETECTION SENSORS
	)
Patent Examiner:	)
	)
	)

Pittsburgh, Pennsylvania 15213

May 12, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

LETTER FOR FILING RECEIPT CORRECTION

The order of the inventorship is incorrect, as listed on the filing receipt. The transmittal accompanying the filing of the above-identified patent application lists the correct order of the inventors. Furthermore, since the above-identified patent application is a continuation application, the originally listed incorrect order of inventors was petitioned in the priority patent. The Petition was granted to correct the inventorship order. A copy of this Petition Decision is enclosed. Accordingly, please correct the order of the inventors, as listed on the Petition, in the corrected filing receipt for the above-identified patent application to:

Eric Hoffman
William Darin Ingimarson
Ryan M. Sullivan

If there are any fees due with this paper, authorization is hereby given to charge Deposit Account No. 19-0737. A duplicate of this Letter is enclosed.

Respectfully submitted,

ERIC HOFFMAN, ET AL.

By _____

Ansel M. Schwartz, Esquire
Reg. No. 30,587
One Sterling Plaza
201 N. Craig Street
Suite 304
Pittsburgh, PA 15213
(412) 621-9222

Attorney for Applicants

Attachment A

OIPE JC103
MAY 1 6 2005
PATENT & TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Paper No. 12

Ansel M. Schwartz
One Sterling Plaza
201 North Craig Street
Suite 304
Pittsburgh, PA. 15213

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NOV 2 2 1999

SPECIAL PROGRAMS OFFICE
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In re Application of :
Ryan M. Sullivan, et al :
Application No. 08/846,317 :
Filed: April 30, 1997 :
Attorney Docket No. K2T-1 :

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed June 14, 1999, 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. Eric Hoffman
2. William Darin Ingimarson
3. Ryan M. Sullivan

This application is being forwarded to Initial Patent Examination Division via Application Branch Data Input to change the order of inventorship.

Janice Ford
Legal Instruments Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

Marianne Morgan
Petitions Examiner

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MAR 09 2006

Group 3700

McGuireWoods LLP
1750 Tysons Boulevard
Suite 1800
McLean, VA 22102-4215

In re Application of
Mark T. Proffitt, et al.
Serial No. 11/091,196
Filed: March 28, 2005

DECISION ON PETITION TO MAKE SPECIAL

For: GAS GRILL

Applicant's petition, filed January 20, 2006, seeks to have this application made special pursuant to the Accelerated Examination Program. The petition is GRANTED.

The petition has been reviewed and is found to be in compliance with the requirements for special status as set forth in Section 708.02(VIII) of the Manual of Patent Examining Procedures (MPEP).

Applicant is advised that the examiner's search will be restricted to the subject matter encompassed by the claims. In the event that the application receives a first action rejection, applicant is encouraged to arrange for an interview with the examiner, and to provide the examiner with a working copy of any proposed amendment one working day prior to the interview. Any amendment filed in response to a first action rejection, which would require broadening of the field of search will be treated as an improper response.

PETITION GRANTED.

Karen M. Young

Karen M. Young, Director
Technology Center 3700
571-272-3750

rt/ 3/7/06

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Luke Anderson
The Proscenium, McGuireWoods LLP
Suite 2100
1170 Peachtree Street, NE
Atlanta GA 30309

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APR 2 6 2010

OFFICE OF PETITIONS

In re Application of	:	
Mark T. Profitt et al.	:	
Application No. 11/091,196	:	DECISION ON PETITION
Filed: March 28, 2005	:	
Attorney Docket No. 2005025.0170	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 4, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 15, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 16, 2009. A Notice of Abandonment was mailed on May 12, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,620, (3) a proper statement of unintentional delay. Accordingly, the amendment 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.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3749 for appropriate action by the Examiner in the normal course of business on the reply received February 4, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: John S. Hilten
McGuire Woods, LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

Mail Date: 04/21/2010

Applicant	: Su Seok Choi	: DECISION ON REQUEST FOR
Patent Number	: 7576814	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/091,199	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **888** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

3/20/09

In re Application of:
MESSERLY, JEFFREY D. et al;
Serial No.: 11/091,224
Filed: March 25, 2005
Docket: END5495USNP
Title: MEDICAL INSTRUMENT WITH A MECHANICAL COUPLING

DECISION ON PETITION

This is a decision on the petition filed on March 9, 2009 seeking withdrawal of the finality of the Office action mailed February 26, 2009. This petition is being considered pursuant to 37 CFR §1.181. No fee is required.

The petition is granted.

It is noted that on page 7 of the final rejection of February 26, 2009, the examiner acknowledged the actuator 23 of Yamamoto patent publication was mislabelled as reference numeral 3 in the non-final Office action of August 22, 2008. Due to this mistake in the non-final Office action, the applicant was misled by the examiner in his response of November 20, 2008 to the non-final Office action. In the response, the applicant requested clarification with another non-final Office action so that the applicant may properly respond to the rejection. In response to the amendment of November 20, 2008, the examiner corrected the mistake, maintained the rejection and made the rejection final. Subsequently, the current petition was filed seeking withdrawal of the finality of the Office action mailed on February 26, 2009 so that the applicant has a full and fair opportunity to respond.

After consulting with the examiner, it was agreed the finality of the Office action of February 26, 2009 will be withdrawn. As such, the Office action mailed on February 26, 2009 will be designated as non-final Office action. The period to respond to the Office action of February 26, 2009 remains unchanged. Since the finality is being withdrawn, any amendment responding to the Office action of February 26, 2009 will be treated as a 37 CFR § 1.111 amendment.

In the petition, petitioner also requests the examiner to explain how the art of record anticipates claims 1, 2 and 8. The Examiner interpreted the element 23 of Yamamoto patent as an "actuator". Petitioner does not agree with the examiner's position because it is not seen how the thumb ring is an actuator. With regard to this substantive argument of the particular limitation "actuator" in

the claims, petitioner is apparently not satisfied with the examiner's interpretation of Yamamoto patent. In the petition, this issue presented by petitioner is clearly directed to the propriety of the examiner's interpretation of the claim language in rejecting claims 1-6, 8, 9 and 12-24 under various sections of applicable 35 USC § 102 and 103. The question of whether the examiner has properly considered and interpreted certain claim limitations in the rejection of claims under 35 USC § 102 and 103 is clearly an appealable issue under 37 CFR § 41.31(a) (1). According to 37 CFR § 1.181(a)(1)[1], 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).

Conclusion

In view of the record, petitioner's request to withdraw the finality of the Office action dated February 26, 2009 is granted. Issues regarding the interpretation of claim limitations in the rejection of claims are appealable and will not be decided by petition.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". The application is being forwarded to the Supervisory Patent Examiner of Art Unit 3773 awaiting a response to the outstanding Office action mailed February 26, 2009. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

According, the petition is granted.

Donald T. Hajec, Director
Technology Center 3700

[1] 37 CFR § 1.181(a) (1) states: Petition may be taken to the Director: (1) From any action or requirement of any examiner in the ex parte prosecution of an application, or in the ex parte or inter partes prosecution of a reexamination proceeding which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court.

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APR 16 2010

OFFICE OF PETITIONS

PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON TX 77056

In re Patent No. 7,672,255	:	
Issue Date: March 2, 2010	:	
Application No. 11/091,242	:	DECISION ON PETITION
Filed: March 28, 2005	:	
Attorney Docket No. LIN/0002.P3	:	

This is a decision on the Petition Under C.F.R. 1.183 and Request For Certificate Of Correction, filed on March 18, 2010, requesting correction on the Title Page of the subject patent, via issuance of a Certificate of Correction under 37 CFR 1.323, to identify the correct assignee. The Petition is being treated under 37 CFR 3.81. A completed Certificate of Correction Form (PTO/SB/44) was submitted with the petition.

The petition under 37 CFR 3.81 is **GRANTED**.

Petitioner urges that the present Petition was submitted to correct the erroneous incorrectly identified assignee's name. Accordingly, petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of a Certificate of Correction, to correct the name of the assignee identified thereon from "Oomble, Inc." to the applicant, 'Daniel J. Lin.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The requisite $100.00 fee (Fee Code 1811) and the $130.00 processing fee (Fee Code 1464) as set forth under 37 CFR 1.20(a) have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the form (PTO/SB/44) that was submitted with petition.

Inquiries related this communication should be directed to Cheryl Gibson-Baylor at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,672,255.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAMES MARC LEAS
37 BUTLER DRIVE
S. BURLINGTON, VT 05403

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SEP 18 2008

In re Application of	:	
ARMS, et al.	:	
Application No. 11/091,244	:	DECISION GRANTING PETITION
Filed: March 28, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 115-017	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 17, 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 17, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2855 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Monica A. Graves
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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JAMES MARC LEAS
LAW OFFICE OF JAMES MARC LEAS
37 BUTLER DRIVE
S. BURLINGTON, VT 05403

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APR 26 2010

OFFICE OF PETITIONS

In re Application of	:	
Steven W. Arms et al	:	
Application No. 11/091,244	:	DECISION ON PETITION
Filed: March 28, 2005	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 115-017	:	

This is a decision on the petition filed September 17, 2008, which is being treated as a petition under 37 CFR 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to 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.

The application is being forwarded to Technology Center AU 2855 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

David Bucci
Petition Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/091,244	03/28/2005	2855	5365	115-017	73	7

CONFIRMATION NO. 3253

CORRECTED FILING RECEIPT

26542
JAMES MARC LEAS
Law Office Of James Marc Leas
37 BUTLER DRIVE
S. BURLINGTON, VT 05403

OC000000041282602

Date Mailed: 04/26/2010

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)

Steven W. Arms, Williston, VT;
Christopher P. Townsend, Shelburne, VT;
Steven W. Mundell, Richmond, VT;
David L. Churchill, Burlington, VT;

Power of Attorney: The patent practitioners associated with Customer Number 26542

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/556,974 03/26/2004

Foreign Applications

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 11/091,244**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

STRAIN GAUGE WITH MOISTURE BARRIER AND SELF-TESTING CIRCUIT

Preliminary Class

073

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20
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DIRECTORS OFFICE
JUL 10 2007
TECHNOLOGY CENTER 2800

Vincent M. DeLuca.
Novak, Druce, DeLuca + Quig LLP
1300 I Street, NW
Suite 1000 West Tower
Washington, DC 20005

In re Application of:	:	
Wang..	:	DECISION ON PETITION
Serial No.: 11/091,253	:	FROM RESTRICTION REQUIREMENT
Filed: 28 March 2005	:	UNDER 37CFR 1.144
Attorney Docket No.: **2005P01566US**	:	

This is a decision on the petition filed on 25 June 2007, requesting reconsideration and withdrawal of the restriction requirement and to vacate the Group Director's decision on petition under 37 C.F.R. § 1.144.

The petition is **GRANTED** to the extent that the restriction requirement has been reviewed and modified as indicated below and the decision by the Director has been reconsidered, but **DENIED** as to withdrawal of the restriction requirement.

Petitioner asserts that the Requirement for Restriction of 08 January 2007, is improper and should be withdrawn, and vacated.

Title 37 C.F.R. § 1.144 sets forth the requirements for a Petition from the requirement for restriction.

> § 1.144 Petition from requirement for restriction.
> After a final requirement for restriction, the applicant, in addition to making any reply due on the remainder of the action, may petition the Commissioner to review the requirement. Petition may be deferred until after final action on or allowance of claims to the invention elected, but must be filed not later than appeal. A petition will not be considered if reconsideration of the requirement was not requested (see § 1.181).

M.P.E.P. 803 states in pertinent part:

> Under the statute an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent (MPEP § 806.04 - § 806.04(i)) or distinct (MPEP § 806.05

- § 806.05(i)).

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

M.P.E.P. 806.01 states in pertinent part:

> Where two or more related inventions are being claimed, the principal question to be determined in connection with a requirement to restrict or a rejection on the ground of double patenting is whether or not the inventions as claimed are distinct. If they are distinct, restriction may be proper.

M.P.E.P. 808.02 states in pertinent part:

> Where the related inventions as claimed are shown to be distinct under the criteria of MPEP § 806.05(c) - § 806.05(i), the examiner, in order to establish reasons for insisting upon restriction, must show by appropriate explanation one of the following:
>
> (A) Separate classification thereof : This shows that each distinct subject has attained recognition in the art as a separate subject for inventive effort, and also a separate field of search. Patents need not be cited to show separate classification.
>
> (B) A separate status in the art when they are classifiable together : Even though they are classified together, each subject can be shown to have formed a separate subject for inventive effort when an explanation indicates a recognition of separate inventive effort by inventors. Separate status in the art may be shown by citing patents which are evidence of such separate status, and also of a separate field of search.
>
> (C) A different field of search : Where it is necessary to search for one of the distinct subjects in places where no pertinent art to the other subject exists, a different field of search is shown, even though the two are classified together. The indicated different field of search must in fact be pertinent to the type of subject matter covered by the claims. Patents need not be cited to show different fields of search.

A review of the action mailed 08 January 2007, indicates that the following restriction requirement was made:

> Restriction to one of the following invention is required under 35 U.S.C. 121:
>
> I. Claims 1-6 and 9-12, drawn to a method of calibrating a medical imaging device including the use of a generically recited test phantom, classified in class 250, subclass 363.09.
>
> II. Claims 14-15, drawn to a test phantom for use in a medical imaging apparatus, classified in class 250, subclass 252.1.
>
> III. Claims 16-20, drawn to a method of correcting a SPECT projection image obtained by a medical imaging apparatus, classified in class 250, subclass 363.07.

IV. Claims 7-8 and 13, drawn to a method of calibrating a mefical imaging device including the use of a specifically recited test phantom, classified in class 250, subclasses 363.09 and 252.1.

The inventions are distinct each from the other because of the following reasons:

Inventions II and I are related as product and process of use. Inventions I and II are directed to related processes. Inventions II and II are directed to an unrelated product and process. And inventions IV and inventions I and II are related as combination and subcombinations.

Because these inventions are independent and distinct for the reasons given above and have acquired a separate status in the art or because the inventions require different fields of search, restriction for examination purposes as indicated is proper.

The reasoning set forth to support the above noted restriction requirement cannot be sustained because, as disclosed and claimed, the invention of groups I and IV are both "combination" claims, and the methods of groups I and III are capable of use together. As a result, the previous restriction requirement is vacated.

The inventions are disclosed as several subcombinations which are usable together in a combination. For example, the invention relates to a method of calibrating an imaging device that can be used with a method of correcting a SPECT image. A particular test phantom may be used with the imaging method for calibration. In light of these relationships, the restriction requirement has been modified as follows:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I. Claims 1-13, drawn to a method of calibrating a medical imaging device, classified in class 350, subclass 363.09.

Group II. Claims 14-15, drawn to a test phantom, classified in class 250, subclass 252.1.

Group III Claims 16-20, drawn to a method of correcting a SPECT image, classified in class 250, subclass 363.07.

Inventions I and III are directed to subcombinations disclosed as usable together.in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, the invention of Group I could be used in a method that does not involve the correction of a SPECT image. Similarly, the invention of Group II could be used with a calibration method different from that set forth in Group I.

Inventions I and II are combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP 806.05©). In the instant case, the combination as claimed does not require the particular test phantom as claimed for patentability. Claim 1 is evidence that the combination

does not require the particular test phantom for patentability. The subcombination has separate utility such as being used in a different calibration method.

Inventions II and III are directed to a product and a process that does not reuire use of that product. The test phantom is used in the calibration method, which is used with the correction method, but the correction method does not use the phantom itself.

Because these inventions are distinct for the reasons above and the search required for the inventions of Groups I, II, and III are not required for the others of the Groups, restriction for examination purposes is proper.

Petitioner's remarks with respect to the previous restriction requirement have been fully considered, but are not persuasive.

In regards to petitioner's assertion that the restriction requirement between Groups I and III is improper as the methods are disclosed as usable together, restriction to subcombinations disclosed as usable together is proper where they also can be used separately. In the instant case, neither method "requires" that it be used with the other method.

In regards to petitioner's assertion that the claims of Group II contain the specific limitations as set forth in Group I, claim 1 is evidence that the method pf Group I does not require the particulars of Group II for patentability. There is nothing to suggest that the test phantom could only be used in the process of Group I.

In summary, the inventions of Groups I, II, and III have been shown to be related, but patentably distinct. Further, the burden to the examiner has been shown by the different searches required for the inventions. Thus, the requirement for restriction, with modified groupings (combining Groups I and IV), was properly made by the examiner, and is maintained.

A review of the prosecution history of the instant application reveals that an election of the invention of Group I was made with traverse on 12 February 2007. An action on the merits of the claims was mailed on 23 March 2007.

The application file will be forwarded to the Technical Support Staff for Technology Center 2800 for entry of the response to the Office action mailed 23 March 2007. Then the application will be forwarded to the examiner fot continued prosecution on the merits of claims 1-13.

Inquiries related to this decision should be directed to David P. Porta at 571.272.2444.

Janice A. Falcone

Janice A. Falcone, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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GRIFFITHS & SEATON PLLC (IBM)
2108 N. LEMON STREET
MESA, AZ 85215

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FEB 05 2009

OFFICE OF PETITIONS

In re Application of :
Huw **FRANCIS, et al.** :
Application No. 11/091,261 : DECISION ON PETITION
Filed: March 28, 2005 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **GB920040003US1(0099US)** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 31, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of July 2, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). Accordingly, the date of abandonment of this application is October 3, 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) an adequate statement of unintentional delay.

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Jason R. Graff appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent that particular party on whose behalf he acts.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 2186 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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John P. Sinnot
1007 N. Patterson Street
Valdosta, GA 31601

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SEP 28 2006

OFFICE OF PETITIONS

In re Application of	:	
Charles G.Morrow	:	
Application No. 11/091,269	:	DECISION ON PETITION
Filed: March 28, 2005	:	TO WITHDRAW
Attorney Docket No. 041183/S	:	FROM RECORD
	:	

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, 2006 and resubmitted May 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 John P. Sinnott, the sole attorney of record.

John P. Sinnott has been withdrawn as attorney or agent of record.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Charles G. Morrow 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.

David Bucci
Petitions Examiner
Office of Petitions

cc: Charles G. Morrow
307 Seventh Avenue
New York, NY 10001

OIPE IAP22
FEB 1 7 2006
PATENT & TRADEMARK OFFICE

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PTO/SB/83 (01-06)
Approved for use through 12/31/2008. OMB 0651-0035
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	11/091269
Filing Date	03/28/05
First Named Inventor	Charles G. Morrow
Art Unit	2644
Examiner Name	T.B.A.
Attorney Docket Number	041153/S

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: 37 CFR 10.40(c)(1)(~~ii~~ or i): Applicant has failed to liquidate a balance of $6,358.05 owed on his bill for patent services since April 30, 2005, in spite of monthly notices of this arrears and telephone requests for payment by undersigned counsel. Counsel is not aware of any outstanding Office Actions on this case at this writing.

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	Charles G. Morrow				
Address	Charles Morow Associates, Inc. 307 Seventh Avenue				
City	New York	State	New York	Zip	10001
Country	USA				
Telephone	212-989-2697	Email			
Signature	John P. Sinnott				
Name	John P. Sinnott	Registration No.	21,001		
Date	2/14/06	Telephone No.	229-244-5400		

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

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

CHARLES G. MORROW
1961 ROARING BROOK ROAD
BARTON, VT 05822

MAILED

MAR 2 9 2010

OFFICE OF PETITIONS

In re Application of	:	
MORROW, Charles G.	:	
Application No. 11/091,269	:	DECISION ON PETITION
Filed: March 28, 2005	:	
Attorney Docket No. 041183/S	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 15, 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 application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, March 30, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 01, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item **(1)**.

The amendments filed August 17, 2009 and August 19, 2009 are titled as drafted amendments and do not include signatures. Draft amendments are not accepted as a proper response by the Office and all correspondence received in the Office must include a signature.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CHARLES G. MORROW
1961 ROARING BROOK ROAD
BARTON, VT 05822

MAILED

JUN 2 1 2010

OFFICE OF PETITIONS

In re Application of	:	
MORROW, Charles G.	:	
Application No. 11/091,269	:	DECISION ON PETITION
Filed: March 28, 2005	:	
Attorney Docket No. 041183/S	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 28, 2010, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, March 30, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 01, 2009.

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 $810.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of March 30, 2009, 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 2614 for appropriate action on the concurrently filed amendment.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Ruden, McClosky, Smith, Schuster, & Russell, P.A.
222 Lakeview Avenue
Suite 800
West Palm Beach, FL 33401-6112

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DEC 19 2007

OFFICE OF PETITIONS

In re Application of	:	
Jon L. Swergold	:	
Application No. 11/091,273	:	DECISION ON PETITION
Filed: March 28, 2005	:	TO WITHDRAW
Attorney Docket No. 8009-2	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 26, 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 Stanley A. Kim 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 Jon L. Swergold at the address indicated below.

There is an outstanding Office action mailed August 3, 2007 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Jon Swergold**
9905 Coronado Lake Drive
Boynton Beach, FL 33437

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
11/091,273	03/28/2005	Jon L. Swergold	8009-2

CONFIRMATION NO. 6927

POWER OF ATTORNEY NOTICE

43463
RUDEN, MCCLOSKY, SMITH, SCHUSTER & RUSSELL, P.A.
222 LAKEVIEW AVE
SUITE 800
WEST PALM BEACH, FL 33401-6112

OC000000027358350

Date Mailed: 12/18/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/26/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

IFW

OIPE IAP78
OCT 19 2005
PATENT & TRADEMARK OFFICE

Richard L. Aho
7 Specker Circle
Marquette, MI 49855
906-361-0185

October 17, 2005

A.U. 1744

Office of Petitions
Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

I am requesting that the patent application number 11/091,293 be considered special due to its significant impact on the environment. This petition to make an application special is being filed without a fee on the basis that the invention will materially enhance the quality of the environment per, 37 CFR 1.102, Advancement of examination.

The patent was filed on 3-29-2005 and has been assigned to ART UNIT 1744, Mr. John Kim, Supervisor.

Sincerely,

Richard L. Aho, President
EWS
7 Specker Circle
Marquette, MI 49855
906-361-0185
ewsview@charter.net

PETITION GRANTED

William Krynski
Special Program Examiner
TC1700

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
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WYETH
PATENT LAW GROUP
5 GIRALDA FARMS
MADISON, NJ 07940

COPY MAILED

DEC 0 3 2007

OFFICE OF PETITIONS

In re Application of :
Galarza, et al. :
Application No. 11/091,309 :
Filed: March 28, 2005 :
Attorney Docket No. AM100288C1 :

ON PETITION

This is a decision on the petition under 37 CFR 1.78(a)(3) filed December 21, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed non-provisional application set forth in the amendment filed with instant petition. The petition will also be treated under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to prior-filed international Application No. PCT/US01/19890, filed June 21, 2001, as set forth in the accompanying amendment. The petition will also be treated as a petition under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority of the prior-filed provisional application set forth in the amendment filed concurrently with the instant petition.

The petition under 37 CFR 1.78(a)(3) is **GRANTED**.

The petition under 37 CFR 1.78(a)(6) is also **GRANTED**.

TREATMENT UNDER 37 CFR 1.78(a)(3)

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on, or after, November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

1. the reference required by 35 U.S.C § 120 and 37 CFR § 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

2. the surcharge set forth in § 1.17(t), and

3. a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

All of 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 instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed non-provisional application and international application is submitted after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Also, the reference to the prior filed applications was submitted during the pendency of the instant nonprovisional application for which the claim for benefit of priority is sought. See 35 U.S.C. §§ 120 and 365(c). Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for benefit of priority under 35 U.S.C. §§ 120 and 365(c) to the prior-filed nonprovisional application and international application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

TREATMENT UNDER 37 CFR 1.78(a)(6)

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 USC 119(e) and paragraph (a)(5) of this section to the prior-filed provisional 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 paragraph (a)(5)(ii) of this section and the date the claim was filed 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 the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Also, the reference to the prior filed application was submitted during the pendency of the instant nonprovisional application for which the claim for benefit of priority is sought. See 35 U.S.C. § 119(e). Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for 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 applications under 37 CFR 1.78(a)(3) and 37 CFR 1.78(a)(6) should not be construed as meaning the instant application is entitled to the benefit of the prior-filed applications. In order for the instant application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) and 35 U.S.C.§ 119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, international application, and provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

This matter is being referred to Technology Center 1600, Art Unit 1648 for further processing, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§ 120 and 365(c) to the above-noted, prior-filed non-provisional application and PCT application and under 35 § 119(e) to the prior-filed provisional application.

Anthony Knight
Supervisor
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
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	TOT CLAIMS	IND CLAIMS
11/091,309	03/28/2005	1648	2500	AM100288 C1	46	4

CONFIRMATION NO. 5261

CORRECTED FILING RECEIPT

25291
WYETH
PATENT LAW GROUP
5 GIRALDA FARMS
MADISON, NJ 07940

OC000000027041480

Date Mailed: 12/03/2007

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Jose M. Galarza, Hartsdale, NY;
Theresa E. Latham, Mamaroneck, NY;

Assignment For Published Patent Application

American Cyanamid Company

Power of Attorney: The patent practitioners associated with Customer Number 25291

Domestic Priority data as claimed by applicant

This application is a CON of 10/311,580 12/16/2002 ABN
which is a 371 of PCT/US01/19890 06/21/2001
which claims benefit of 60/213,656 06/23/2000
and claims benefit of 60/284,411 04/17/2001

Foreign Applications

If Required, Foreign Filing License Granted: 12/01/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/091,309**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Assembly of wild-type and chimeric influenza virus-like particles (VLPs)

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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1001 AVENUE PICO SUITE C500
SAN CLEMENTE CA 92673

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DEC 17 2009

OFFICE OF PETITIONS

In re Application of
Philip Lowance :
Application No. 11/091,330 : DECISION ON
Filed: March 28, 2005 : PETITION
Attorney Docket No. LOWAP-004B2 :

This is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed November 3, 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 March 23, 2009. This Notice set a shortened statutory period for reply of one month. No reply having been received, the application became abandoned on April 24, 2009. The Office mailed a Notice of Abandonment on October 28, 2009.

Petitioner argues that he did not receive the March 23, 2009 Office action, and points out that he filed a Revocation of Power of Attorney and Change of Correspondence Address on April 2, 2009.

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 Change of Correspondence Address was filed subsequent to the mailing of the non-final Office action. As such, the Office properly mailed the non-final Office action to the address of record.

Applicant may wish to revive the application pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m), currently $810 for a small entity; (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 CFR 1.20(d)) required pursuant to paragraph (d) of this section.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SAN CLEMENTE CA 92673

MAILED

MAR 12 2010

OFFICE OF PETITIONS

In re Application of
Philip Lowance :
Application No. 11/091,330 : DECISION ON
Filed: March 28, 2005 : PETITION
Attorney Docket No. LOWAP-004B2 :

This is in response to the petition to revive under 37 CFR 1.137(b), filed March 3, 2010.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply to the non-final Office action, mailed March 23, 2009. This Notice set a shortened statutory period for reply of one month. No reply having been received, the application became abandoned on April 24, 2009. The Office mailed a Notice of Abandonment on October 28, 2009. Applicant filed a petition to withdraw the holding of abandonment on November 3, 2009. However, the petition was dismissed in a decision mailed on December 17, 2009.

With the instant petition, applicant paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of an Election.

The application is being forwarded to Group Art Unit 3781 for consideration of the Election, filed March 3, 2010.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN VA 22102

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JUL 2 0 2007

OFFICE OF PETITIONS

In re Application of	:	
KAIN, Albert et al.	:	
Application No. 11/091,339	:	DECISION ON PETITION
Filed: March 29, 2005	:	TO WITHDRAW
Attorney Docket No. **449122080400**	:	FROM RECORD
	:	

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 17, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Deborah S. Gladstein on behalf of all attorneys of record who are associated with customer No. 25227. 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 Michelle R. Eason at 571-272-4231.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **ALBERT KAIN**
WINTERBURGERSTR. 11/22/4
WIEN, AUSTRIA 1160

cc: **KEVIN SPIVAK**
BELL BOYD & LLOYD LLC
70 WEST MADISON STREET
SUITE 3100
CHICAGO, ILLINOIS 60602

UNITED STATES 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

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DALLAS TX 75380

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AUG 18 2005

OFFICE OF PETITIONS

In re Application of Jack C. Wybenga, Patricia K. Sturm, and William Farris Application No. 11/091,362 Filed: March 28, 2005 Attorney Docket Number: 2004.05.008.BN0 Title: DISTRIBUTION OF OPERATING SYSTEM FUNCTIONS FOR INCREASED DATA PROCESSING PERFORMANCE IN A MULTI-PROCESSOR ARCHITECTURE	:	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), filed July 18, 2005.

On March 28, 2005, the application was deposited, identifying Jack C. Wybenga, Patricia K. Sturm, and William Farris as joint inventors. The declaration which was included on filing was not executed. On April 26, 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, along with the basic filing fee, the search fee, and the examination fee. This Notice set a two-month period for reply.

With this petition, Petitioner has included the basic filing fee, the surcharge associated with the last submission of an oath or declaration, the search fee, the examination fee, the petition fee, and a one-month extension of time to make timely this response.

Petitioner has met requirements (1) – (5) above.

The petition is **GRANTED** and this application is hereby accorded Rule §1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/12/09

TO SPE OF : ART UNIT 2862 Ledynh, Bot

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/091363 Patent No.: 7352172

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

H. Riley
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: _____

/Patrick J. Assouad/ 2862

SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/091,367	03/29/2005	Chung Yun Hse	47100-216247

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20045-9998

DATE MAILED: June 1, 2006

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of/ express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d) filed on May 22, 2006, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Barbara J. Debnam
Pre-Grant Publication Division

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No.

BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

COPY MAILED

AUG 14 2009

OFFICE OF PETITIONS

In re Patent No. 7,521,943	:	
Binder et al.	:	DECISION ON
Issue Date: April 21, 2009	:	REQUEST FOR
Application No. 11/091,371	:	RECONSIDERATION OF
Filed: March 29, 2005	:	PATENT TERM ADJUSTMENT
Attorney Docket No. BINDER25	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT," filed June 22, 2009, requesting that the patent term adjustment determination for the above-identified patent be changed from seven hundred fifty-one (751) days to one thousand and fifty-eight (1058) days.

The request for reconsideration of patent term adjustment is **DISMISSED**.

On April 21, 2009, the above-identified application matured into US Patent No. 7,521,943 with a patent term adjustment of 751 days. This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See 37 C.F.R. § 1.705(d).

The Office acknowledges submission of the $200.00 fee set forth in 37 C.F.R. § 1.18(e). No additional fees are required.

Patentees request recalculation of the patent term adjustment to include a 388-day period of adjustment pursuant to 37 C.F.R. § 1.703(b). Patentees maintain entitlement to a period of adjustment due to the Three Year Delay by the Office, pursuant to 37 CFR § 1.703(b), of 388 days and the period of adjustment due to other examination delay, pursuant to 37 CFR § 1.702(a)(1), of 751 days.

The 388-day period is calculated based on the application having been filed under 35 U.S.C. § 111(a) on March 29, 2005, and the instant patent issued on April 21, 2009, which is 3 years and 388 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 0 days for applicant delay is not in dispute.

The period of 751 days for Office delay is not in dispute.

Patentees do not dispute that the total period of Office delay is the sum of the period of Three Years Delay (388 days) and the period of Examination Delay (751 days) to the extent that these periods of delay are not overlapping. However, Patentees contend that 81 days of the Three Year Delay period overlaps with the period of 14-month examination delay. Accordingly, Patentees submit that the total period of adjustment for Office delay is 1058 days, which is the sum of the period of Three Year Delay (388 days) and the period of Examination Delay (751 days), reduced by the period of overlap (81 days).

As such, Patentees assert entitlement to a patent term adjustment of 1058 days (388 + 751 reduced by 81 overlap - 0 (applicant delay)).

The Office agrees that the application issued 3 years and 388 days after its filing date. The Office agrees that a certain action was not taken within the specified time frame, and thus, the entry of a period of adjustment of 751 days for Office delay is correct. At issue is whether Patentees should accrue 307 days of patent term adjustment for the Office taking in excess of three years to issue the patent (388 days less the 81 days of overlap), as well as 751 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that the entire 388-day period overlaps. Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> to the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

Likewise, 37 CFR 1.703(f) provides that:

> To the extent that periods of delay attributable to the grounds specified in §1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg.

> 54366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004).

The current wording of § 1.703(f) was revised in response to the misinterpretation of this provision by a number of Patentees. The rule was slightly revised to more closely track the corresponding language of 35 U.S.C. 154(b)(2)(A). The relevant portion differs only to the extent that the statute refers back to provisions of the statute whereas the rule refers back to sections of the rule. This was not a substantive change to the rule nor did it reflect a change of the Office's interpretation of 35 U.S.C. 154(b)(2)(A). As stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding 37 C.F.R. § 1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed. The grounds specified in these sections cover the A) guarantee of prompt Patent and Trademark Office responses, B) guarantee of no more than 3 year application pendency, and C) guarantee or adjustments for delays due to interference, secrecy orders and appeals. A section by section analysis of 35 U.S.C. 154(b)(2)(A) specifically provides that:

> Section 4402 imposes limitations on restoration of term. In general, pursuant to [35 U.S.C.] 154(b)(2)(A)-(C), total adjustments granted for restorations under [35 U.S.C.

> 154](b)(1) are reduced as follows: (1) To the extent that there are multiple grounds for extending the term of a patent that may exist simultaneously (e.g., delay due to a secrecy order under [35 U.S.C.] 181 and administrative delay under [35 U.S.C.] 154(b)(1)(A)), the term should not be extended for each ground of delay but only for the actual number of days that the issuance of a patent was delayed; See 145 Cong. Rec. S14,718[1]

As such, the period for over 3 year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames. In other words, consideration of the overlap does not begin three years after the filing date of the application.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the entire period during which the application was pending before the Office, March 29, 2005 to April 21, 2009. 751 days of patent term adjustment were accorded prior to the issuance of the patent for the Office failing to respond within a specified time frame during the pendency of the application. All of the 388 days for Office delay in issuing the patent overlap with the 751 days of Office delay. During that time, the issuance of the patent was delayed by 751 days, not 751 + (388 - 81 = 307) days. Other than the period of Office delay pursuant to 37 C.F.R. §1.702(a)(1) which totals 751 days, the Office took all actions set forth in 37 C.F.R. § 1.702(a) within the prescribed timeframes.

Nonetheless, given the initial 751 days of Office delay and the 2 days of applicant delay and the time allowed within the time frames for processing and examination, the patent issued three years and 388 days after its filing date. The Office did not delay 751 days and then an additional 307 days. The 388 days attributed to the delay in the issuance of the patent overlaps with the adjustment of 751 days attributable to the grounds specified in 37 C.F.R. § 1.702(a)(1). Accordingly, at issuance,

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[1] The AIPA is title IV of the Intellectual Property and Communications Omnibus Reform Act of 1999 (S. 1948), which was incorporated and enacted as law as part of Pub. L. 106-113. The Conference Report for H.R. 3194, 106th Cong. 1st Sess. (1999), which resulted in Pub. L. 106-113, does not contain any discussion (other than the incorporated language) of S. 1948. A section-by-section analysis of S. 1948, however, was printed in the Congressional Record at the request of Senator Lott, See 145 Cong. Rec. S14,708-26 (1999)(daily ed. Nov. 17, 1999).

the Office properly entered no additional days of patent term adjustment for the Office taking in excess of 3 years to issue the patent. 751 days is determined to be the actual number of days that the issuance of the patent was delayed, considering the 388 days over three years to the issuance of this patent.

In view thereof, no adjustment to the patent term will be made.

Telephone inquiries specific to this matter should be directed to Paul Shanoski, Senior Attorney, at (571) 272-3225.

Christina Tartera 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 1999[2] (AIPA) provides that:

> ADJUSTMENT OF PATENT TERM. –
>
> (1) PATENT TERM GUARANTEES. –
>
> (A) GUARANTEE OF PROMPT PATENT AND TRADEMARK OFFICE RESPONSES. – Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the Patent and Trademark Office to –
>
> (i) provide at least one of the notifications under section 132 of this title or a notice of allowance under section 151 of this title not later than 14 months after –
>
> (I) the date on which an application was filed under section 111(a) of this title; or
>
> (II) the date on which an international application fulfilled the requirements of section 371 of this title;
>
> (ii) respond to a reply under section 132, or to an appeal taken under section 134, within 4 months after the date on which the reply was filed or the appeal was taken;
>
> (iii) act on an application within 4 months after the date of a decision by the Board of Patent Appeals and Interferences under section 134 or 135 or a decision by a Federal court under section 141, 145, or 146 in a case in which allowable claims remain in the application; or
>
> (iv) issue a patent within 4 months after the date on which the issue fee was paid under section 151 and all outstanding requirements were satisfied, the term of the patent shall be extended 1 day for each day after the end of the period specified in clause (i), (ii), (iii), or (iv), as the case may be, until the action described in such clause is taken.
>
> (B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY. – Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including –

[2] Public Law 106-113, 113 Stat. 1501, 1501A-557 through 1501A-560 (1999).

(i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

(ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or

(iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

(C) GUARANTEE OR ADJUSTMENTS FOR DELAYS DUE TO INTERFERENCES, SECRECY ORDERS, AND APPEALS. – Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to –

(i) a proceeding under section 135(a);

(ii) the imposition of an order under section 181; or

(iii) appellate review by the Board of Patent Appeals and Interferences or by a Federal court in a case in which the patent was issued under a decision in the review reversing an adverse determination of patentability, the term of the patent shall be extended 1 day for each day of the pendency of the proceeding, order, or review, as the case may be.

(2) LIMITATIONS. –

(A) IN GENERAL. – To the extent that periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

The implementing regulation, 37 CFR § 1.702, provides grounds for adjustment of patent term due to examination delay under the Patent Term Guarantee Act of 1999 (original applications, other than designs, filed on or after May 29, 2000).

(a) Failure to take certain actions within specified time frames. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be

adjusted if the issuance of the patent was delayed due to the failure of the Office to:

(1) Mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 in an international application;

(2) Respond to a reply under 35 U.S.C. 132 or to an appeal taken under 35 U.S.C. 134 not later than four months after the date on which the reply was filed or the appeal was taken;

(b) Failure to issue a patent within three years of the actual filing date of the application. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including[3]:

In pertinent part, 37 CFR § 1.703 provides for calculation of the periods, as follows:

Period of adjustment of patent term due to examination delay.

(a) The period of adjustment under § 1.702(a) is the sum of the following periods:

(1) The number of days, if any, in the period beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first;

(b) The period of adjustment under § 1.702(b) is the number of days, if any, in the period beginning on the day

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[3] (1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);

(2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);

(3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;

(4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or

(5) Any delay in the processing of the application by the Office that was requested by the applicant.

> after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the following periods[4]:

37 CFR 1.703(f) provides that:

> The adjustment will run from the expiration date of the patent as set forth in 35 U.S.C. 154(a)(2). To the extent that periods of delay attributable to the grounds specified in §1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed. The term of a patent entitled to adjustment under § 1.702 and this section shall be adjusted for the sum of the periods calculated under paragraphs (a) through (e) of this section, to the extent that such periods are not overlapping, less the sum of the periods calculated under § 1.704. The date indicated on any certificate of mailing or transmission under § 1.8 shall not be taken into account in this calculation.

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[4] (1) The number of days, if any, in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued;

(2)(i) The number of days, if any, in the period beginning on the date an interference was declared or redeclared to involve the application in the interference and ending on the date that the interference was terminated with respect to the application; and (ii) The number of days, if any, in the period beginning on the date prosecution in the application was suspended by the Office due to interference proceedings under 35 U.S.C. 135(a) not involving the application and ending on the date of the termination of the suspension;

(3)(i) The number of days, if any, the application was maintained in a sealed condition under 35 U.S.C. 181; (ii) The number of days, if any, in the period beginning on the date of mailing of an examiner's answer under § 41.39 of this title in the application under secrecy order and ending on the date the secrecy order was removed; (iii) The number of days, if any, in the period beginning on the date applicant was notified that an interference would be declared but for the secrecy order and ending on the date the secrecy order was removed; and (iv) The number of days, if any, in the period beginning on the date of notification under § 5.3(c) of this chapter and ending on the date of mailing of the notice of allowance under 35 U.S.C. 151; and,

(4) The number of days, if any, in the period beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was filed under 35 U.S.C. 134 and § 41.31 of this title and ending on the date of the last decision by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 U.S.C. 141 or a civil action under 35 U.S.C. 145, or on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first, if the appeal did not result in a decision by the Board of Patent Appeals and Interferences.

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Paper No. 05/06/08

H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA VA 22182

MAY - 9 2008

In re Application of: KWAK, Won-Kyu
Serial No.: 11/091397
Filed: March 29, 2005

PETITION FOR CORRECTION OF INVENTORSHIP UNDER 37 CFR § 1.48(a)

This is a decision on the petition filed August 1, 2007 to correct inventorship under 37 CFR 1.48 (a).

The petition is GRANTED.

In view of the papers filed August 1, 2007 it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48 (a). The inventorship of this application has been changed by deleting: **Keum-Nam Kim**

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

Zandra V. Smith
Supervisory Patent Examiner,
Art Unit 2822

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H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA, VA 22182

Mail Date: 04/20/2010

Applicant	: Heui Sang Yoon	: DECISION ON REQUEST FOR
Patent Number	: 7604902	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/091,402	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **399** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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JAN 23 2006
Director's Office
Group 3700

Peter Gibson
6320 Greenspring Ave.
Baltimore, MD 21209

In re Application of :
Forsyth & Miller :
Serial No. 11/091,470 : DECISION ON PETITION
Filed: March 29, 2005 : TO MAKE SPECIAL
For: SELF CONTAINED BREATHING APPARATUS CONTROL SYSTEM FOR ATMOSHPHERIC USE

Applicant's petition, filed May 20, 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.

Frederick R. Schmidt, Director
Technology Center 3700
571-272-2975

rt/ 1/18/06

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H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE, SUITE 7500
VIENNA, VA 22182

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JUL 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Joo-Yul LEE	:	
Application No. 11/091,491	:	DECISION GRANTING PETITION
Filed: March 29, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **6161.0527.US**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 15, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 10, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2629 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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OFFICE OF PETITIONS

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of	:
Vorenkamp	: DECISION ON PETITION
Application No. 11/091,527	:
Filed: March 29, 2005	:
Docket No.: 1875.3680001	:

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed February 12, 2009.

The Notice of Abandonment mailed February 6, 2009 indicates that the application is abandoned in view of the decision by the Board of Patent Appeals and Interference rendered on December 3, 2008 and because the period for seeking Court review of the decision had expired and there are no allowed claims.

Petitioner asserts that a request for continued examination (RCE) and submission were filed February 3, 2009, within two months of the Board decision.

The RCE and submission, filed February 3, 2009, have been located in the official application file. It can only be presumed that the RCE and submission and the Notice of Abandonment crossed in the mailed.

In view of the evidence presented, the petition to withdraw the holding of abandonment is hereby GRANTED.

The Notice of Abandonment is hereby VACATED and the holding of abandonment is WITHDRAWN.

The application file is being forwarded to Technology Center 2800 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

Mail Date: 05/11/2010

Applicant	: Gabriel Charlet	: DECISION ON REQUEST FOR
Patent Number	: 7616898	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/091,532	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/29/2005	: ISSUE CERTIFICATE OF CORRECTION

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **646** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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210 W TECUMSEH STREET
OTTAWA KS 66067

In re Application of	:	
Amanda Zaytoun	:	
Application No. 11/091,539	:	ON PETITION
Filed: March 28, 2005	:	
Attorney Docket No. 85336	:	

This is in response to petition to revive an unintentionally abandoned application under 37 CFR 1.137(b), filed December 15, 2009.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper response to the final Office action, mailed December 19, 2008, which set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on March 20, 2009. The Office mailed a Notice of Abandonment on July 16, 2009.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of an RCE.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application is being forwarded to Group Art Unit 3781 for consideration of the RCE, filed December 15, 2009.

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/091,575	03/28/2005	2122	1000	SC12958TS	7	20	3

CONFIRMATION NO. 1059

CORRECTED FILING RECEIPT

OC000000015886840

33438
HAMILTON & TERRILE, LLP
P.O. BOX 203518
AUSTIN, TX 78720

Date Mailed: 04/27/2005

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)

Viatcheslav Kirilline, St. Petersburg, RUSSIAN FEDERATION;
Howard D. Owens, Austin, TX;
Valdimir Ivanov, St. Petersburg, RUSSIAN FEDERATION;
Vitaly Kozlovsky, St. Petersburg, RUSSIAN FEDERATION;

Power of Attorney:

Robert King--30185
Gary Hamilton--31834
Stephen Terrile--32946
Michael Cannatti--34791
Kent Chambers--38839
Robert Holland--40020

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 04/20/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/091,575

Projected Publication Date: 09/28/2006

Non-Publication Request: No

Early Publication Request: No

Title

Virtual machine extended capabilities using application contexts in a resource-constrained device

Preliminary Class

717

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

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JUN 15 2007

OFFICE OF PETITIONS

In re Application of :
Nobushige Korenaga et al :
Application No. 11/091,590 :
Filed: March 29, 2005 :
Attorney Docket No. 00862.100000 :

ON PETITION

This is a decision on the petition, filed June 14, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 1, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2851 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

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MEYERTONS HOOD KIVLIN
KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

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MAY 29 2009

OFFICE OF PETITIONS

In re Application of :
Michael P. Spertus et al :
Application No. 11/091,602 :
Filed: March 28, 2005 :
Attorney Docket No. 5760-21905/ VRTS0764CNT

ON PETITION

This is a decision on the petition, filed May 28, 2009 which is being treated as a petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 31, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2192 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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Paul A. Leipold
Eastman Kodak Company
Patent Legal Staff
343 State Street
Rochester NY 14650-2201

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JUN 0 2 2006

OFFICE OF PETITIONS

In re Patent No. 7,018,770 :

Issue Date: March 28, 2006 :

Application No. 11/091,609 : ON PETITION

Filed: March 28, 2005 :

Attorney Docket No. 88390JLT

This is a decision on the petition filed May 2, 2006, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignees on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **dismissed**.

It is noted that 37 CFR 3.81(b) provides that:

> 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 37 CFR 1.323 of this chapter (accompanied by the fee set forth in § 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 will note that the application matured into United States Patent No. 7,018,770 on March 28, 2006. Accordingly, the assignee data can only be added to the patent by certificate of correction. Petitioner will need to file a renewed request under 37 CFR 3.81 with a certificate of correction and both fees indicated above.

[1] See *Official Gazette* of June 22, 2004.

Further correspondence regarding this matter may be directed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
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2700 POST OAK BOULEVARD, SUITE 1800
HOUSTON, TX 77056

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SEP 0 9 2005

OFFICE OF PETITIONS

In re Application of :
Kulkarni, et al. :
Filed: March 28, 2005 : ON PETITION
Application No. 11/091,619 :
Atty. Dkt. No.: Serie 6820 :

This decision is in response to the petition, filed July 11, 2005, to accord the above-identified application a filing date of March 28, 2005.

The application was filed March 28, 2005. The Notice of Incomplete Nonprovisional Application (Notice) mailed May 16, 2005 indicated that the application had not been accorded a filing date because the application appeared to have been deposited without drawings as required.

In response, petitioners argue that the application as deposited included one drawing sheet. Petitioners have included as proof of mailing and proof of receipt of the drawing sheet a return postcard date stamped by the Office on March 28, 2005. A copy of drawing sheet purportedly filed with the application on March 28, 2005 was also supplied.

The original drawing sheet submitted with the application papers have not been located. However, in view of the evidence presented, the Notice mailed May 16, 2005 is hereby **WITHDRAWN** and the petition to accord the application a filing date of March 28, 2005 is **GRANTED**.

Since the original drawing sheets cannot be located in the Office, the copy supplied with the instant petition will be used for examination purposes.

No petition fee is due in connection with this matter. A refund of the previously submitted $400.00 petition fee has been requested from the Finance Office, Refund Section.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of

March 28, 2005 with one drawing sheet containing two figures as part of the application.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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George O. Saile
28 Davis Avenue
Poughkeepsie NY 12603

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JUL 28 2005

OFFICE OF PETITIONS

In re Application of :
Dieny et al. :
Application No. 11/091,623 :
Filed: March 28, 2005 :
Attorney Docket No. HT01-003F :

ON PETITION

This is a decision on the petition filed June 29, 2005 (certificate of mailing dated Monday, June 27, 2005), requesting that the application be accorded a filing date of March 28, 2005, with Figures 4a and 4b as part of the original disclosure.

On March 28, 2005, applicants filed the above-identified application. However, on April 26, 2005, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application," stating that the application had been accorded a filing date of March 28, 2005, and advising applicants that Figures 4a and 4b appeared to have been omitted.

In response, on June 29, 2005 (certificate of mailing dated Monday, June 27, 2005), applicants submitted the present petition, 1 sheets of drawings, including Figures 4a and 4b, and an authorization to charge the Deposit Account for the petition fee. Additionally, applicants submitted a copy of applicants' returned, date-stamped postcard receipt, acknowledging receipt of 9 sheets of drawings in the USPTO on March 28, 2005.

Upon review of the record, Figures 4a and 4b, deposited on March 28, 2005, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on March 28, 2005, included Figures 4a and 4b, which were subsequently misplaced in the USPTO. Therefore, the application, including Figures 4a and 4b, was complete on filing and will be granted a filing date of March 28, 2005.

Accordingly, the petition is granted.

The Notice of Omitted Item(s) was sent in error and is hereby vacated. Accordingly, no petition fee is necessary. The $400.00 petition fee will be credited to Deposit Account No. 19-0033.

The Office of Initial Patent Examination is directed **to accord the above-identified application a filing date of March 28, 2005,** using Figures 1a-3b, and Figures 3c-5c submitted on that date, and Figures 4a and 4b submitted on June 29, 2005, as part of the original disclosure.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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FEB 22 2010

OFFICE OF PETITIONS

PATENT LAW GROUP LLP
2635 NORTH FIRST STREET
SUITE 223
SAN JOSE CA 95134

In re Application of	:	
Koelsch et al.	:	
Application No. 11/091,647	:	ON PETITION
Filed: March 28, 2005	:	
Attorney Docket No. R828-01002	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 19, 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 August 20, 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). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is November 21, 2008. A Notice of Abandonment was mailed April 2, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $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.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This application is being referred to Technology Center AU 2876 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Liana Walsh
Petitions Examiner
Office of Petitions

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Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

Mail Date: 04/21/2010

Applicant	: Ralph H. Johnson	: DECISION ON REQUEST FOR
Patent Number	: 7596165	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/091,656	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **434** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Armstrong Teasdale LLP (16463)
One Metropolitan Square
Suite 2600
St. Louis, MO 63102-2740

Mail Date: 04/20/2010

Applicant	: Vernon Raymond Spaunhorst	: DECISION ON REQUEST FOR
Patent Number	: 7569907	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/091,665	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **591** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BRADLEY P. HEISLER
HEISLER & ASSOCIATES
3017 DOUGLAS BOULEVARD, SUTIE 300
ROSEVILLE, CA 95661

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JAN 29 2008

OFFICE OF PETITIONS

In re Application of	:	
Perry Shaffer	:	
Application No. 11/091,670	:	DECISION ON PETITION
Filed: March 28, 2005	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 07075.101	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 4, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant. 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 3632 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2/13/09

TO SPE OF : ART UNIT 2614

SUBJECT : Request for Certificate of Correction for Appl. No.: 11091675 Patent No.: 7466819 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: _____

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

A 112614

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OFFICE OF PETITIONS

NICK A NICHOLS
P O BOX 16399
SUGARLAND TX 77496-6399

In re Application of	:	
Couch et al.	:	DECISION ON PETITION TO
Application Number: 11/091678	:	WITHDRAW HOLDING OF
Filing Date: 03/28/2005	:	ABANDONMENT
Attorney Docket Number:	:	
SEAH/514US	:	

This is a decision on the "RESPONSE TO NOTICE OF ABANDONMENT" filed on 8 April, 2006, which is treated as a petition to withdraw the holding of abandonment in the above-identified application.

The Office apologizes for the delay in responding to the present petition.

The petition is **GRANTED**.

The application was held abandoned for failure to respond to the Notice to File Missing Parts of Nonprovisional Application (hereinafter "the Notice") mailed on 9 May, 2005, which required compact discs (CDs) to comply with 37 CFR 1.53(e). On 30 January, 2006, Notice of Abandonment was mailed.

Petitioners assert that no response was needed to the Notice. In particular, petitioner avers that the compact discs submitted with the application papers were part of an Information Disclosure Statement (IDS), not the application. Petitioner further states that it elected item III specified in the Notice mailed on 9 May, 2005, which states that applicant may constructively elect to accept the application as filed in the USPTO.

Upon review, petitioners' point is well taken. The IDS filed with the original application papers states that a CD-ROM including an animation sequence is included, and the Utility Patent Application Transmittal present on filing does not state that CD-ROM's are a part of the application elements. As such,

it is concluded that the Office mistakenly did not treat the CD as part of the IDS. Rather, the CD was inadvertently treated as materials belonging to the application specification as a result of Office error. Thus, the Notice was mailed improperly and is withdrawn.

Consequently, there is no abandonment in fact. The Notice of Abandonment is vacated, and the holding of abandonment is withdrawn.

The application is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
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OFFICE OF PETITIONS

In re Application of Wybenga, Sturm and Lang Application No. 11/091,731 Filed: March 28, 2005 Title: MULTI-PROCESSOR ARCHITECTURE WITH HIGH CAPACITY I/O	DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed on July 18, 2005. Petitioner obtained an extension for response within the first month. Accordingly, the petition is filed timely.

The petition is granted.

Petitioner showed that Jack C. Wybenga and Mark Lang, the non-signing inventors, refused to join in the filing of the above-identified application after having been mailed the application papers. Specifically, the statement of facts of John T. Mockler established 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. Mark Lang signed the return receipt accompanying the letter mailed to him. Copies of the letters to the non-signing inventors and the return receipt signed by Lang 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 matter is being referred to Technology Center Art Unit 2661 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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Jack C. Wybenga
2129 Stone Creek
Plano TX 75075

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OFFICE OF PETITIONS

In re Application of	:	
Wybenga, Sturm and Lang	:	LETTER
Application No. 11/091,731	:	
Filed: March 28, 2005	:	
Title: MULTI-PROCESSOR ARCHITECTURE	:	
WITH HIGH CAPACITY I/O	:	

Dear Mr. Wybenga:

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

Docket Clerk
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Dallas, TX 75380

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Mark Lang
4312 Vanderpool Drive
Plano, TX 75024

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OFFICE OF PETITIONS

In re Application of Wybenga, Sturm and Lang Application No. 11/091,731 Filed: March 28, 2005 Title: MULTI-PROCESSOR ARCHITECTURE WITH HIGH CAPACITY I/O	: : : : : :	LETTER

Dear Mr. Lang:

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

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2ND FLOOR
WESTFIELD NJ 07090

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OFFICE OF PETITIONS

In re Application of	:	
Stephen G. Evangelides, et al.	:	
Application No. 11/091,740	:	DECISION ON PETITION
Filed: March 28, 2005	:	TO WITHDRAW
Attorney Docket No. 9005/56	:	FROM RECORD
	:	

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, 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 Stuart H. Mayer on behalf of all attorneys of record who are associated with customer No. 27774.

All attorneys/agents associated with the Customer Number 27774 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed October 17, 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: RED SKY SYSTEMS, INC.
115 CORPORATE BLVD.
SO. PLAINFIELD, NJ 07080

cc: CHOATE, HALL & STEWART, LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/091,740	03/28/2005	Stephen G. Evangelides JR.	9005/56

CONFIRMATION NO. 4959

POWER OF ATTORNEY NOTICE

OC000000026532152

27774
MAYER & WILLIAMS PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD, NJ 07090

Date Mailed: 10/31/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/18/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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ALEXANDRIA, VA 22314

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OFFICE OF PETITIONS

In re Application of
Takashi Higono et al
Application No. 11/091,752
Filed: March 29, 2005
Attorney Docket No. 268924USOX

: DECISION ON PETITION
: UNDER 37 CFR 1.313(a)

This is a decision on the petition under 37 CFR 1.313(a), filed August 12, 2005, requesting withdrawal of the above-identified application from issue prior to payment of the issue fee.

The petition is dismissed as moot for the reason stated below.

The instant petition under 37 CFR 1.313(a) was accompanied by a request for continued examination (RCE), $790 fee therefor, and submission (an Information Disclosure Statement) in compliance with 37 CFR 1.114.

This matter was only recently brought to the attention of the deciding official's office, and it is noted that there is no indication that any action was taken on the petition to withdraw from issue prior to the mailing on September 6, 2005 of a new Notice of Allowability and Notice of Allowance and Fee(s) Due. However, the filing of the petition to withdraw from issue was unnecessary since the RCE acts to withdraw the application from issue prior to payment of the issue fee. The filing of an RCE under 37 CFR 1.114 includes the withdrawal of the finality of a final rejection, as well as the closing of prosecution by an Office action under Ex parte Quayle, 1935 Comm'r Dec. 11 (1935), or **notice of allowance under 35 USC § 151 (or notice of Allowability)**. Therefore, if an applicant files an RCE with the fee set forth in 37 CFR 1.17(e) and a submission in an application which has been allowed, prosecution will be reopened. Therefore, the petition under 37 CFR 1.313(a) is dismissed as unnecessary.

The issue fee in reply to the new Notice of September 6, 2005, was received on October 24, 2005. Accordingly, this matter is being referred to Publishing Division for further processing.

Frances Hicks
Petitions Examiner
Office of Petitions
(571) 272-3218

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20070505

DATE : May 05, 2007

TO SPE OF : ART UNIT 2821

SUBJECT : Request for Certificate of Correction on Patent No.: 7,015,868

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:

SPE: Douglas W. Owens Douglas W. Owens Art Unit 2821

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MICHAEL I KROLL
171 STILLWELL LANE
SYOSSET NY 11791

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OFFICE OF PETITIONS

In re Application of	:	
Funk et al.	:	
Application No. 11/091,839	:	ON PETITION
Filed: March 28, 2005	:	
Attorney Docket No. TF-1-AM	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 31, 2006, to revive the above-identified application.

The petition is **GRANTED.**

This matter is being referred to the Publishing Division for processing into a patent.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

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Akerman Senterfitt
P.O. Box 3188
West Palm Beach, FL 33402-3188

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OFFICE OF PETITIONS

In re Application of	:	
Noel B. Dequina et al.	:	
Application No. 11/091,843	:	DECISION ON PETITION
Filed: March 28, 2005	:	TO WITHDRAW
Attorney Docket No. 7302-51CON	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 14, 2007.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Akerman Senterfitt has been revoked by the assignee of the patent application on March 10, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Fogg & Powers LLC**
10 South Fifth Street
Suite 1000
Minneapolis, MN 55402

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

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JUL 19 2005
OFFICE OF PETITIONS

In re Application of	:	
Masayuki Kato	:	
Application No. 11/091,859	:	DECISION GRANTING PETITION
Filed: March 29, 2005	:	
Attorney Docket No. 052351	:	

This is a decision on the petition filed June 9, 2005, requesting that the above-identified application be accorded a filing date of March 29, 2005.

The petition is **granted**.

On March 29, 2005, the above-identified application was filed. On May 23, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" (the "Notice"), stating that the application had not been accorded a filing date because the specification did not contain at least one claim. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on June 9, 2005, applicants filed the present petition and a copy of the complete specification, including the claims and abstract filed with the original application papers, and a postcard receipt date-stamped by the Office acknowledging having received 25 pages of the specification on March 29, 2005, among other items. The specification was twenty pages, the claims consisted of 4 pages, and the abstract consisted of one page.

Upon review of the record, the claims were not located among the originally filed application papers. The evidence is convincing, however that four pages of claims were present on March 29, 2005. Therefore, the application, including the claims, was complete on filing and entitled a filing date of March 29, 2005

The petition fee of $400.00 will be refunded, in due course.

The application file will be directed to the Office of Initial Patent Examination for further processing with a filing date of March 29, 2005, using the four pages of claims filed on that date. The Office of Initial Patent Examination will issue a corrected filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

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OFFICE OF PETITIONS

In re Patent No. 7,470,855 :
Issued: December 30, 2008 :
Application No. 11/091,865 : PATENT TERM ADJUSTMENT
Filed: March 28, 2005 :
Dkt. No.: 2552-000085 :

This is a decision on the "PETITION UNDER 1.705", filed February 3, 2009. This matter is being properly treated as an application for patent term adjustment pursuant to 37 CFR 1.705(d).

The request for reconsideration of patent term adjustment (PTA) is **DISMISSED**.

The above-identified application matured into U.S. Pat. No. 7,470,855 on December 30, 2008. The patent issued with a PTA 580 days. The request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See, 37 CFR 1.705(d). Patentees request that the patent term adjustment be increased from 580 days to 857 days.

Patentees contend that in view of the decision in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008), the patent is entitled to an additional 277 days for the Office's failure to issue the patent within three years from the date upon which the application was filed.

Under 37 CFR 1.703(f), patentees are entitled to a period of patent term adjustment equal to the period of delays based on the grounds set forth in 37 CFR 1.702 reduced by the period of time equal to the period of time during which patentees failed to engage in reasonable efforts to conclude prosecution pursuant to 37 CFR 1.704. In other words, patentees are entitled to the period of Office delay reduced by the period of applicant delay.

Patentees submit that the total period of adjustment for Office delay is 915 days (the sum of the period of three year delay (277 days) and the period of examination delay (638 days). As such, patentees assert entitlement to a patent term adjustment of 857 days (277 days *plus* 638 days *less* 58 days of applicant delay).

The Office agrees that as of the issuance of the patent on December 30, 2008, the application was pending three years and 277 days after its filing date. The Office agrees that certain action was not taken within a specified time frame, and, thus, the entry of a period of adjustment of 638

days is correct. Further, any adjustment is properly reduced 58 days for applicants' failure to engage in reasonable efforts to conclude prosecution.

At issue is whether patentees should accrue an additional 277 days of patent term adjustment for the Office taking in excess of three years to issue the patent as well as 638 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that 277 days overlap. Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> To the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

Likewise, 35 CFR 1.703(f) provides that:

> To the extent that periods of delay attributable to the grounds specified in § 1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A), 69 Fed. Reg. 34283 (June 21, 2004), the Office interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule, 65 Fed. Reg. 56366 (Sept. 18, 2000). See, also, Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See, also, Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A), 69 Fed. Reg. 34283 (June 21, 2004).

The current wording of § 1.703(f) was revised in response to the misinterpretation of this provision by a number of Patentees. The rule was slightly revised to more closely track the corresponding language of 35 U.S.C. 154(b)(2)(A). The relevant portion differs only to the extent that the statute refers back to provisions of the statute whereas the rule refers back to sections of the rule. This was not a substantive change to the rule nor did it reflect a change of the Office's interpretation of 35 U.S.C. 154(b)(2)(A). As stated in the Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A), the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding § 1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed. The grounds specified in these sections cover the A) guarantee of prompt Patent and Trademark Office responses, B) guarantee of no more than 3-year application pendency, and C) guarantee or adjustments for delays due to interference, secrecy orders and appeals. A section by section analysis of 35 U.S.C. 154(b)(2)(A) specifically provides that:

> Section 4402 imposes limitations on restoration of term. In general, pursuant to [35 U.S.C.] 154(b)(2)(A)-(C), total adjustments granted for restorations under [35 U.S.C. 154](b)(1) are reduced as follows: (1) To the extent that there are multiple grounds for extending the term of a patent that may exist simultaneously (e.g., delay due to a secrecy order under [35 U.S.C.] 181 and administrative delay under [35 U.S.C.] 154(b)(1)(A)), the term should not be extended for each ground of delay but only for the actual number of days that the issuance of a patent was delayed; See, 145 Cong. Rec. S14,718[1].

As such, the period for over three-year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames. In other words, consideration of the overlap does not begin three years after the filing date of the application.

In this instance, the relevant period under 35 U.S.C. 154(b)(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

---

[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).

application was pending before the Office, March 28, 2005, to the date the patent issued on December 30, 2008. Prior to the issuance of the patent, 638 days of patent term adjustment were accorded for the Office failing to respond within a specified time frame during the pendency of the application.

The application actually issued three years and 277 days after its filing date. However, the Office did not delay 277 days and then delay an additional 638 days. Accordingly, 658 days of patent term adjustment (not 277 days and 658 days) was properly entered because the entire period of delay of 277 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 658 days attributable to grounds specified in § 1.702(a)(1). Entry of both periods is not warranted.

In view thereof, no adjustment to the patent term will be made.

The Office acknowledges submission of the required application fee of $200.00. See, 37 CFR 1.18(e).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

4/24/07

In re Application of	:	
KIMURA, SATOSHI et al	:	DECISION ON REQUEST TO
Application No. 11/091,891	:	PARTICIPATE IN PATENT
Filed: Mar. 28, 2005	:	PROSECUTION HIGHWAY
Attorney Docket No. 9319S-001076	:	PILOT PROGRAM AND PETITION
For: METHOD FOR MANUFACTURING	:	TO MAKE SPECIAL UNDER
WIRING SUBSTRATE AND	:	37 CFR 1.102(d)
METHOD FOR MANUFACTURING	:	
ELECTRONIC DEVICE	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the renewed petition under 37 CFR 1.102(d), filed Mar. 26, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Receipt of the second Preliminary Amendment, which amends claims 3, 7 and 12, is hereby acknowledged. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

All other inquiries concerning the examination or status of the application should be directed to the examiner, Mr. Donghai Nguyen, Art Unit 3729, at 571-272-4566.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Karen M. Young

Karen M. Young, Director
Technology Center 3700

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VENABLE LLP
PO BOX 34385
WASHINGTON DC 20045-9998

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In re Application of	:	
Michael B. Zemel, Loren Spencer	:	
Ward, Erik Douglas Bastian, Starla	:	
J. Paulsen	:	DECISION REFUSING
Application No. 11/091,924	:	STATUS UNDER § 1.47(a)
Filing Date: March 29, 2005	:	
Attorney Docket No. March 29, 2005	:	

This is a decision in response to the "PETITION UNDER 37 C.F.R. § 1.47(a)", filed August 19, 2005.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventors. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on March 29, 2005, without, *inter alia*, an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed on April 25, 2005. This Notice set an extendable period for reply of two months. On August 19, 2005, applicants filed the instant petition, made timely by obtaining a one month extension of time.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s). The instant petition does not satisfy requirement (2).

As to requirement (2), petitioner has failed to submit an oath or declaration in compliance with 37 CFR 1.63. The declaration is not acceptable because it contains a non-initialed, non-dated alteration to the citizenship of inventor Michael B. Zemel.[1] Regarding this, the Manual of Patent Examining Procedure states that it is "improper for anyone, including counsel, to alter, rewrite, or partly fill in any part of the application, including the oath or declaration, after execution of the oath or declaration by the applicant." Furthermore, the Office "will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration."[2]

On renewed petition, applicants must submit a declaration in compliance with 37 CFR 1.63.

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

---

[1] "Any interlineation, erasure, cancellation or other alteration of the application papers...should be dated and initialed or signed by the applicant on the same sheet of paper." 37 CFR 1.52(c)(1).

[2] MPEP 605.04(a).

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VENABLE LLP
PO BOX 34385
WASHINGTON DC 20045-9998

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DEC 0 2 2005

OFFICE OF PETITIONS

In re Application of	:	
Michael B. Zemel, Loren Spencer	:	
Ward, Erik Douglas Bastian, Starla	:	
J. Paulsen	:	DECISION ACCORDING
Application No. 11/091,924	:	STATUS UNDER § 1.47(a)
Filing Date: March 29, 2005	:	
Attorney Docket No. March 29, 2005	:	

This is a decision in response to the "REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. § 1.47(a)", filed October 13, 2005.

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on March 29, 2005, without, *inter alia*, an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed on April 25, 2005. This Notice set an extendable period for reply of two months. On August 19, 2005, applicants filed a petition under 37 CFR 1.47(a), made timely by obtaining a one month extension of time. However, the petition was dismissed in a decision mailed on October 3, 2005. Petitioner failed to submit a proper declaration because it contained a non-initialed, non-dated alteration to the citizenship of inventor Michael B. Zemel.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s).

With the instant petition, petitioner has submitted a proper declaration in compliance with 37 CFR 1.63. While petitioner did not provide a statement of the last known addresses of the non-signing inventors, those addresses are presumed to be those listed on the declaration. The other requirements for a grantable petition under 37 CFR 1.47(a) were fulfilled in the petition filed on August 19, 2005. Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ERIC D BASTIAN
1373 FALLS AVE WEST
TWIN FALLS ID 83301

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DEC 0 2 2005

OFFICE OF PETITIONS

In re Application of :
Michael B. Zemel, Loren S. Ward, Eric :
D. Bastian, Starla J. Paulsen :
Application No. 11/091,924 :
Filed: March 29, 2005 : LETTER
Title: Compositions and Methods for
Treatment of Body Weight Conditions

Dear Mr. Bastian:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo

Cliff Congo
Petitions Attorney
Office of Petitions

Michael A. Gollin
Venable LLP
PO Box 34385
Washington, DC 20043
202-344-4000

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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STARLA J PAULSEN
1409 BITTERROOT DR
TWIN FALLS ID 83301

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DEC 0 2 2005

OFFICE OF PETITIONS

In re Application of :
Michael B. Zemel, Loren S. Ward, Eric :
D. Bastian, Starla J. Paulsen :
Application No. 11/091,924 :
Filed: March 29, 2005 : LETTER
Title: Compositions and Methods for
Treatment of Body Weight Conditions

Dear Ms. Paulsen:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

Michael A. Gollin
Venable LLP
PO Box 34385
Washington, DC 20043
202-344-4000

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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LOREN S WARD
877 MADRONA ST NORTH
TWIN FALLS ID 83301

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DEC 0 2 2005

OFFICE OF PETITIONS

In re Application of :
Michael B. Zemel, Loren S. Ward, Eric :
D. Bastian, Starla J. Paulsen :
Application No. 11/091,924 :
Filed: March 29, 2005 : LETTER
Title: Compositions and Methods for
Treatment of Body Weight Conditions

Dear Ms. Ward:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

Michael A. Gollin
Venable LLP
PO Box 34385
Washington, DC 20043
202-344-4000

UNITED STATES PATENT AND TRADEMARK OFFICE

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SMITH MOORE LLP
P.O. BOX 21927
GREENSBORO NC 27420

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AUG 18 2006

OFFICE OF PETITIONS

In re Application of :
Robert Thomas Rush, Jr. et al :
Application No. 11/091,946 :
Filed: March 28, 2005 :
Attorney Docket No. 5005499.002US1 :

ON PETITION

This is a decision on the petition, filed August 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 June 8, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 3751 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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OFFICE OF PETITIONS

WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION)
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

In re Application of :
Zihua Guo et al :
Application No. 11/091,958 : ON PETITION
Filed: March 29, 2005 :
Attorney Docket No. MSFT-4764(311674.01)

This is a decision on the petition, filed July 9, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 8, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2116 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

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OFFICE OF PETITIONS

In re Application of	:	
Sae Won Oh et al	:	
Application No. 11/091,987	:	ON PETITION
Filed: March 29, 2005	:	
Attorney Docket No. CAS3-PTO15	:	

This is a decision on the petition, filed June 20, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 13, 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 2821 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

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OFFICE OF PETITIONS

In re Application of	:
Norbert Karl Strobel et al.	:
Application No. 11/091,992	: ON PETITION
Filed: March 29, 2005	:
Attorney Docket No. 2004P05288 US01	:

This is a decision on the petition filed September 26, 2005, requesting that the above-identified application, be accorded a filing date of March 29, 2005.

The petition is **GRANTED**.

After the application was filed and a filing date accorded, the Office of Initial Patent Examination mailed a "Notice to File Missing Parts" on April 25, 2005, stating that while the application had been accorded a filing date, that Figures 6A-6D as described in the specification, appeared to have been omitted. The Notice also required the filing of an executed oath or declaration since one had not been provided upon application. In response to the Notice, on June 27, 2005, petitioner filed, *inter alia*, an amendment to the drawings and copies of Figures 6A-6D and an executed oath or declaration. The filing date was changed to the date the omitted drawings were filed.

In response, the present petition was filed. Petitioner requests that the application be accorded the original filing date of March 29, 2005.

The mailing of a "Notice of Omitted Items" permits the applicant to either: (1) promptly establish prior receipt in the PTO of the drawing(s) at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the missing drawings were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted drawings in a nonprovisional application and accept the date of such submission as the application filing date must file any

omitted drawing(s) with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such drawing(s) and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the "Notice of Omitted Items" (37 CFR 1.181(f)). Finally, the third option is in the absence of electing options 1) or 2) above, to constructively opt to accept the filing date which has been accorded with the papers filed upon application. With option 3), no petition under 37 CFR 1.182 is necessary for that purpose.

In this case, a review of the file does not reveal that a petition and petition fee were filed on June 27, 2005, just the omitted figures.

In the absence of a petition, since applicant neither admits nor denies that Figures 6A-6D was present upon filing and in view of the amendment filed September 26, 2005 in response to the Notice, it appears that the applicant is constructively electing to have the application accepted as filed on March 29, 2005 without Figures 6A-6D.

In view of the above, the Office of Initial Patent Examination will be notified to restore the original filing date to March 29, 2005, process the application without Figures 6A-6D as part of the original disclosure, and the amendment filed September 26, 2005 will be retained in the file for review by the Examiner in due course.

Any further concerns specific to this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

Mail Date: 04/20/2010

Applicant	: Joseph W. Frisk	: DECISION ON REQUEST FOR
Patent Number	: 7608334	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/092,017	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **557** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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	: Luiz C. Alves	: DECISION ON REQUEST FOR
Patent Number	: 7656789	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/092,033	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/29/2005	: 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20091211

DATE : December 11, 2009

TO SPE OF : ART UNIT 2873

SUBJECT : Request for Certificate of Correction on Patent No.: 7255441

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:

/Gregory J. Toatley, Jr./
Supervisory Patent Examiner, Art Unit 2877

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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GENETICS INSTITUTE, LLC
87 CAMBRIDGEPARK DRIVE
CAMBRIDGE MA 02140

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FEB 21 2006

OFFICE OF PETITIONS

In re Application of :
Pompejus, et al. :
Application No. 11/092,052 :
Filed: March 28, 2005 :
Attorney Docket No. S1022.81138US01 :

ON PETITION

This is a decision on the petition under 37 CFR 1.10(c), filed April 27, 2005, requesting that the above-identified application be accorded a filing date of March 28, 2005. The petition was recently forwarded to this office for consideration.

The United States Patent and Trademark Office records indicate that the presently accorded filing date of the above-identified application is March 28, 2005. Therefore, the petition involves a moot issue.

A replacement filing receipt is enclosed for petitioner's records.

Accordingly, the petition is dismissed.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: Replacement filing receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/092,052	03/28/2005	1631	1850	BGI-129CPCN		22	3

CONFIRMATION NO. 3218

REPLACEMENT FILING RECEIPT

OC000000018085509

00959
GENETICS INSTITUTE, LLC
87 CAMBRIDGEPARK DRIVE
CAMBRIDGE, MA 02140

Date Mailed: 02/17/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Markus Pompejus, Freinsheim, GERMANY;
Burkhard Kroger, Limburgerhof, GERMANY;
Hartwig Schroder, Nussloch, GERMANY;
Oskar Zelder, Speyer, GERMANY;
Gregor Haberhauer, Limburgerhof, GERMANY;

Assignment For Published Patent Application

BASF AG, Ludwigshafen, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number **00959**.

Domestic Priority data as claimed by applicant

This application is a CON of 09/605,703 06/27/2000 PAT 6,962,989
which claims benefit of 60/142,764 07/08/1999
and claims benefit of 60/152,318 09/03/1999

Foreign Applications

If Required, Foreign Filing License Granted: 06/29/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/092,052

Projected Publication Date: 10/06/2005

Non-Publication Request: No

Early Publication Request: No

Title

Corynebacterium glutamicum genes encoding novel proteins

Preliminary Class

536

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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P.O. Box 1450
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SEP 29 2006
OFFICE OF PETITIONS

THOMTE, MAZOUR & NIEBERGALL, L.L.C.
2120 S. 72ND STREET, SUITE 1111
OMAHA, NE 68124

In re Application of	:	
Larsen	:	
Application No. 11/092,151	:	DECISION ON PETITION
Filed: March 29, 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 15, 2005.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Thomte, Mazour & Niebergall, LLC has been revoked by the applicant of the patent application on April 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 below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to April Wise at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: Consuelo N. Larsen
11358 Tamarack Drive
Highland, UT 84003

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KUNZLER & MCKENZIE
8 EAST BROADWAY, SUITE 600
SALT LAKE CITY, UT 84111

COPY MAILED

OCT 2 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Consuelo N. Larsen	:	
Application No. 11/092,151	:	ON PETITION
Filed: March 29, 2005	:	
Attorney Docket No.	:	

This is a decision on the petition under 37 CFR 1.137(b), filed June 30, 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 October 3, 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 January 4, 2008.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3724 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

Paper No. None

SEYFARTH SHAW LLP
131 S. DEARBORN ST., SUITE2400
CHICAGO IL 60603-5803

COPY MAILED
JUN 14 2007
OFFICE OF PETITIONS

In re Application of :
Junichi Hanna et al. :
Application No. 11/092,174 :
Filed: March 29, 2005 :
Attorney Docket No.: 37569-410500 :
Title: ORGANIC SEMICONDUCTOR STRUCTURE, MANUFACTURING METHOD OF THE SAME, AND ORGANIC SEMICONDUCTOR DEVICE :

DECISION ON PETITION
UNDER 37 C.F.R. §1.181

This is a decision on the petition filed April 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 September 12, 2006, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on December 13, 2006. A notice of abandonment was mailed on March 26, 2007.

With the present petition, Petitioner has asserted that a response was submitted on March 12, 2007, and has submitted a postcard receipt which contains a date stamp from the Office of Initial Patent Examination dated March 16, 2007.

Petitioner has further submitted a copy of this submission, and it is noted that it contains a certificate of mailing dated March 12, 2007.

The electronic file has been reviewed, and a copy of this response has been located in the same. The record further reveals that a three-month extension of time was received on March 16, 2007.

Petitioner has requested that the holding of abandonment in the above-identified application be withdrawn. It is clear that a response was timely submitted on March 12, 2007, and received on March 16, 2007. Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a submission was timely submitted.

Accordingly, the petition under 37 C.F.R. §1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the response that was received on March 16, 2007 can be processed.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[1]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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UNITED STATES DEPARTMENT OF COMMERCE
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BRINKS HOFER GILSON & LIONE / YAHOO! OVERTURE
P.O. BOX 10395
CHICAGO, IL 60610

Mail Date: 04/21/2010

Applicant	: Phillip G. Rorex	: DECISION ON REQUEST FOR
Patent Number	: 7657555	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/092,182	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1299** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

IBM CORPORATION
INTELLECTUAL PROPERTY LAW
11501 BURNET ROAD
AUSTIN TX 78758

COPY MAILED
DEC 17 2008

In re Application of	:	
Ralph M. Begun, et. al.	:	
Application No. 11/092,188	:	DECISION ON PETITION
Filed: March 29, 2005	:	
Attorney Docket No. RPS920040234US1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 27, 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 September 9, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed June 9, 2008. Accordingly, the date of abandonment of this application is September 10, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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.

A Change of Correspondence Address filed October 27, 2008 has been accepted and made of record. A Notice of Acceptance is enclosed with this decision.

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.

Brian W. Brown
Petitions Examiner
Office of Petitions

Enclosure: Notice of Acceptance of Power of Attorney.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/092,188	03/29/2005	Ralph M. Begun	RPS920040234US1

CONFIRMATION NO. 6829

POA ACCEPTANCE LETTER

32329
IBM CORPORATION
INTELLECTUAL PROPERTY LAW
11501 BURNET ROAD
AUSTIN, TX 78758

OC000000033485893

Date Mailed: 12/08/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/27/2008.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/dwilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

OCT 27 2008
PATENT & TRADEMARK OFFICE

PTO/SB/122 (09-03)
Approved for use through 11/30/2005. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CHANGE OF CORRESPONDENCE ADDRESS
Application

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450.

Application Number	11/092,188
Filing Date	03/29/2005
First Named Inventor	Ralph M. Begun
Art Unit	2155
Examiner Name	Eng, David Y.
Attorney Docket Number	RPS920040234US1

Please change the Correspondence Address for the above-identified patent application to:

☑ Customer Number : 32329

OR

☐ Firm or Individual Name					
Address					
Address					
City		State		Zip	
Country					
Telephone		Fax			

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the:

☐ Applicant/Inventor

☐ Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☑ Attorney or Agent of record. Registration Number 46,022.

☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number_____.

Typed or Printed Name	H. Artoush Ohanian
Signature	
Date October 23, 2008	Telephone 512-472-9881

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

OIPE
OCT 27 2008
PATENT & TRADEMARK OFFICE

DAC / I

PTO/SB/64 (07-06)
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional) RPS920040234US1

First named inventor: Ralph M. Begun

Application No.: 11/092,188 Art Unit: 2155

Filed: 03/29/2005 Examiner: Eng, David Y.

Title: System Mangement Architecture For Multi-Node Computer System

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☑ Other than small entity – fee $ 1,620.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ ~~1,740.00~~ 1810 KN
☐ has been paid previously on _____
☑ is enclosed herewith.

10/28/2008 AWONDAF1 00000053 11092188
01 FC:1453 1620.00 OP

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.

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

JUN 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Huish et al.	:	DECISION ON PETITION
Application No. 11/092,191	:	TO WITHDRAW
Filed: March 28, 2005	:	FROM RECORD
Attorney Docket No. 020463-000211US	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed May 15, 2009.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

According to a review of current USPTO records petitioner has not requested the address be changed to a properly recorded assignee or the first listed inventor. As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed January 27, 2009 that requires a reply.

Telephone inquires concerning this decision should be directed to Joan Olszewski at 571-272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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	: 7617130	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/092,200	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1026** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 05/17/2010

Applicant : Jeffrey P. Bezos
Patent Number : 7617130
Issue Date : 11/10/2009
Application No : 11/092,200
Filed : 03/28/2005

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **1054** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Mail Date: 04/21/2010

Applicant	: Chhavi Kishore	: DECISION ON REQUEST FOR
Patent Number	: 7610325	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/092,209	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1247** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

ROBERT A. KENT
P.O. BOX 1431
DUNCAN OK 73536

In re Application of	:	
Philip D. Nguyen et al	:	
Application No. 11/092,210	:	DECISION GRANTING PETITION
Filed: March 29, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2004-IP-016379U1	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 24, 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 July 7, 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]

Additionally, petitioner is encouraged to note 37 CFR 1.4(c), where each distinct subject matter should be filed as a separate paper.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

This application is being referred to Technology Center AU 3676 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

cc:
BAKER BOTTS L.L.P.
ONE SHELL PLAZA
910 LOUISIANA
HOUSTON, TX 77002

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OFFICE OF PETITIONS

CHRISTOPHER C. WINSLADE
MCANDREWS, HELD & MALLOY, LTD.
34th Floor
500 West Madison St.
Chicago IL 60661

In re Application of	:
Karaoguz, et al.	: DECISION ON PETITION
Application No. 11/092,211	:
Filed: March 29, 2005	:
Docket No.: 16052US02	:

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed March 3, 2010.

The Notice of Abandonment mailed February 18, 2010 indicates that the application is abandoned for failure to timely submit a proper reply to the non-final Office action mailed August 12, 2009.

Petitioner asserts that a reply to the non-final Office action and extension of time were timely filed February 11, 2010.

The reply to the non-final Office action and extension of time, filed February 11, 2010, have been located in the official application file.

In view of the evidence presented, the petition to withdraw the holding of abandonment is hereby GRANTED.

The Notice of Abandonment is hereby VACATED and the holding of abandonment is WITHDRAWN.

The application file is being forwarded to Technology Center 2618 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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MICHAEL J. BUCHENHORNER
8540 S.W. 83 STREET
MIAMI, FL 33143

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FEB 29 2008

In re Application of	:	
Eric M. RUMI, et al	:	
Application No. 11/092,277	:	DECISION ON PETITION
Filed: March 29, 2005	:	TO WITHDRAW
Attorney Docket No. 100833-00003	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 28, 2007.

The request is **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, Applicant does not wish to incur legal fees, does not meet any of the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There are no outstanding Office actions pending at the present time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: ERIC M. RUMI/ZAPAC, INC.
1185 NORTH SERVICE ROAD E.
OAKVILLE, ONTARIO L6H 1A7
CANADA

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ADVANTEDGE LAW GROUP, LLC
922 W. BAXTER DR.
SUITE 100
SOUTH JORDAN UT 84095

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OFFICE OF PETITIONS

In re Patent No. 7,716,652
Issued: May 11, 2010
Application No. 11/092,282
Filed: March 29, 2005
Attorney Docket No. 4001-0239

: DECISION ON PETITION
: FOR PATENT TERM ADJUSTMENT

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM DETERMINATION filed February 15, 2010. Applicant requests that the determination of patent term adjustment be corrected to 1534 days.

The request is **DISMISSED**.

Patentees are advised that § 1.705(d) provides the avenue before the Office for requesting reconsideration of the patent term adjustment indicated in the patent. See § 1.702-1.705. Moreover, § 1.705(d) provides that:

> If there is a revision to the patent term adjustment indicated in the notice of allowance, the patent will indicate the revised patent term adjustment. If the patent indicates or should have indicated a revised patent term adjustment, any request for reconsideration of the patent term adjustment indicated in the patent must be filed within two months of the date the patent issued and must comply with the requirements of paragraphs (b)(1) and (b)(2) of this section. Any request for reconsideration under this section that raises issues that were raised, or could have been raised, in an application for patent term adjustment under paragraph (b) of this section shall be dismissed as untimely as to those issues.

An application for patent term adjustment under § 1.705 (b)(1) must be accompanied by:

(1) The fee set forth in § 1.18(e) ...

Neither the fee under § 1.18(e) nor a general authorization to charge any required fees, accompanied the request. Accordingly, the request is dismissed for failure to comply with the requirement of paragraph (b)(1) to submit the fee under §1.18(e).

In view thereof, it is concluded that the determination of Patent Term Adjustment of one thousand five hundred thirty-four (1534) days will not be reconsidered until such time as a proper application for Patent Term Adjustment has been submitted.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Anthony Knight
Director
Office of Petitions

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GREENBERG TRAURIG, LLP
2000 UNIVERSITY AVENUE
SUITE 602
EAST PALO ALTO, CA 94303

In re application of	:	**DECISION ON PETITION**
Ebbe Altberg et al.	:	**TO MAKE SPECIAL**
Application No. 11/092,309	:	**(ACCELERATED**
Filed: March 28, 2005	:	**EXAMINATION)**
For: METHODS AND APPARATUSES FOR OFFLINE SELECTION OF PAY-PER-CALL ADVERTISERS		

This is in response to the petition filed on March 30, 2006 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

Since all of the requirements for special status under MPEP § 708.02 VIII have 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/slb: 05/25/06

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LADAS & PARRY
5670 WILSHIRE BOULEVARD, SUITE 2100
LOS ANGELES, CA 90036-5679

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In re Application of	:	
PEI, Robert et al.	:	
Application No. 11/092,310	:	DECISION ON PETITION
Filed: March 28, 2005	:	TO WITHDRAW
Attorney Docket No. **2004P00591US/0010-092001**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 31, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Ladas and Parry has been revoked by the assignee of the patent application on November 06, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **BRAKE HUGHES BELLERMANN LLP**
C/O INTELLEVATE
P.O. BOX 52050
MINNEAPOLIS, MN 55402

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MAY 19 2010

Yousef Daneshvar
3425 Lone Pine Rd.
Westbloomfield, MI 48323

In re Application of	:	
Yousef DANESHVAR	:	DECISION ON PETITION
Application No. 11/092,311	:	TO WITHDRAW THE
Filed: March 29, 2005	:	NOTIFICATION OF NON-
For: DANESHVAR CARRIER	:	COMPLIANT APPEAL BRIEF
MEANS AND METHODS	:	UNDER 37 CFR §1.181

This is a decision on the petition under 37 CFR § 1.181 filed August 22, 2008 requesting the withdrawal of the Notification of Non-Compliant Appeal Brief mailed July 24, 2008.

The petition is **DENIED**.

Petitioner alleges that the Notification of Non-Compliant Appeal Brief mailed July 24, 2008 is defective because the appeal brief was drafted in reliance on the advisory action dated January 22, 2008 which states that the amendment after final rejection filed on January 7, 2008 would be entered upon filing an appeal. Specifically, the allegation is based on the first sentence of Note 11 in the advisory action accompanying the Notification of Non-Compliant Appeal Brief mailed on July 24, 2008 that correctly observes that both boxes 3(a) and 7(b) were checked in the advisory action dated January 22, 2008.

The record reveals that a final Office action was mailed on November 1, 2007. Petitioner responded with an after-final amendment on January 7, 2008. The amendment proposed incorporating claim 24 into claim 23, putting claims 39 and 41 in independent form, and cancelling claims 24, 25, 38 and 40. An advisory action was mailed on January 22, 2008 where boxes 3(a) and 7(b) were checked. Furthermore, a note associated with box 3(a) substantiates the presence of new issues. On March 7, 2008 petitioner filed a notice of appeal followed by an appeal brief dated May 9, 2008. The appeal brief contains the claims presented in the after-final amendment of January 7, 2008. Subsequently, on July 27, 2008, the examiner mailed a corrected advisory action and a Notification of Non-Compliant Appeal Brief. The corrected advisory action dated July 27, 2008 clearly pointed out the error of the January 22, 2008 advisory action and explained why the after-final amendment of January 7, 2008 would not be entered. Similarly, the Notification of Non-Compliant Appeal Brief dated July 27, 2008 also pointed out the error of the

January 22, 2008 advisory action and confirmed that the January 7, 2008 after-final amendment was not entered. As such, the appeal brief was non-compliant for including the claims of the after-final amendment.

MPEP § 714.13 states that an applicant cannot, as a matter of right, amend any finally rejected claims, add new claims after final rejection or reinstate previously canceled claim. Furthermore, except where an amendment merely cancels claims, adopts examiner suggestions, removes issues for appeal, or in some other way requires only a cursory review by the examiner; an amendment touching the merits of the application or patent may be admitted where a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented. In other words, an amendment filed at any time after Final Rejection, but before an appeal brief, may be entered upon or after filing an Appeal Brief provided the total effect of the amendment is to (A) remove issues for appeal, and/or (B) adopt the examiner's suggestions.

In the instant application, the applicant has proposed amending claims 23 by incorporating claim 24 therein. As a result, the proposed changes made in claim 23 would have carried over to the dependent claims 16, 18-22, 26, 27, 29, 32, 35-37 such that the language of claim 24 would be incorporated into all of the dependent claims 16, 18-22, 26, 27, 29, 32, 35-37 and change the scopes of these dependent claims to recite new combinations not previously considered. The rejections of these dependent claims 16, 18-22, 26, 27, 29, 32, 35-37made in the final Office action dated November 1, 2007 would no longer be applicable since such combinations were not considered at the time the final Office action was made. For example, the "new" claim 26 would be the combination of previously presented claims 23, 24, and 26. The resulting new combination raises new issues that would require further consideration, search, and/or a new rejection. Furthermore, despite the inadvertent error on the January 22, 2008 advisory action, it should be noted that the preponderance of the highlighted information indicates that the proposed amendments would not be entered because they raised new issues. Such position is consistent with Office policy set forth in MPEP § 714.13 on what is admissible after a final rejection since the proposed amendments do not remove or simplify issues for appeal or adopt examiner suggestions. Additionally, the examiner's position was reiterated and clarified on the advisory action mailed July 24, 2008. Reliance on a clear clerical error should not be grounds for the entry of otherwise inadmissible claims at such stage in the prosecution.

The Notification of Non-Compliant Appeal Brief mailed July 24, 2008 is proper for the reasons stated above since the appeal brief filed May 9, 2008 contains claims that were not entered after final rejection. This application will be forwarded for consideration of the appeal brief filed September 24, 2008 subsequent to the filing of this petition.

Any questions regarding this letter should be directed to Supervisory Patent Examiner Saul J. Rodriguez at (571) 272-7097.

David Talbott, Director
Patent Technology Center 3600
(571) 272-5150

sjr/lm: 4/20/2010

LM

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Mail Date: 04/21/2010

Applicant	: Kurt Hansen	: DECISION ON REQUEST FOR
Patent Number	: 7578434	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/092,312	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **976** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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THE OLLILA LAW GROUP LLC
2060 BROADWAY, SUITE 300
BOULDER CO 80302

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OFFICE OF PETITIONS

In re Application of	:	
BORDONARO, et al.	:	
Application No. 11/092,318	:	DECISION ON PETITION
Filed: March 29, 2005	:	
Attorney Docket No. **80000/023**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 30, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 17, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed October 17, 2006 . Accordingly, the date of abandonment of this application is January 18, 2007 .

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1400 and the publication fee of $300, (2) the petition fee of $1500; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Publishing Division for processing into a patent.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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DUFT BORNSEN & FISHMAN, LLP
1526 SPRUCE STREET
SUITE 302
BOULDER, CO 80302

Mail Date: 05/03/2010

Applicant	: Paul A. Noel	: DECISION ON REQUEST FOR
Patent Number	: 7630383	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/092,330	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1209** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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PAUL J. SUTTON, ESQ., BARRY G. MAGIDOFF, ESQ.
GREENBERG TRAURIG, LLP
200 PARK AVENUE
NEW YORK NY 10166

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JAN 18 2007

OFFICE OF PETITIONS

In re Application of	:	
Endres et al.	:	
Application No. 11/092,335	:	DECISION ON PETITION
Filed: 03/29/2005	:	
Attorney Docket No. 0267-001-2030CIP4	:	

This is a decision on the petition under 37 CFR 1.181, filed October 24, 2006, to withdraw the holding of abandonment.

On April 25, 2005, the Office mailed a Notice to File Missing Parts of Nonprovisional Application (Notice of Missing Parts), which set a two-month period to reply. Extensions of time for response were available under 37 CFR 1.136(a). On November 23, 2005, petitioners submitted a reply to the outstanding Notice of Missing Parts, a request for an extension of time for response within the fifth month, and the requisite fees.

On January 10, 2006, the Office mailed a Notice of Incomplete Reply, which stated that the Office had received petitioners' reply to the Notice of Missing Parts on November 23, 2005, and that the reply had been entered. The Notice of Incomplete Reply further stated that the drawings submitted as part of the reply on November 23, 2005, were not acceptable because the drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 6-12. The Notice of Incomplete Reply indicated that no new time period, other than the reply period set forth in the Notice of Missing Parts, was being provided to submit a complete reply.[1] In the absence of a timely and complete response to the Notice of Missing Parts, the Office mailed a Notice of Abandonment on September 21, 2006.

[1] The USPTO's failure to advise an applicant of any deficiency in a sufficient time to permit the applicant to take corrective action does not render the delay "unavoidable." See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985); MPEP 711.03(c)(II)(C)(2).

On October 24, 2006, petitioners filed the present petition, a copy of their reply filed on November 23, 2005, and an itemized, returned postcard receipt with a date-stamp of November 23, 2005. Petitioners requested that the Office withdraw the holding of abandonment. Specifically, petitioners asserted that the Notice of Abandonment was mailed in error because petitioners submitted a complete and timely reply to the Notice of Missing Parts mailed on April 25, 2005.

The Office does not dispute that petitioners submitted a response to the Notice of Missing Parts on November 23, 2005. Nevertheless, petitioners did not file a complete reply as indicated in the Notice of Incomplete Reply mailed on January 10, 2006. Therefore, the application became abandoned because the reply of November 23, 2005, was incomplete.

As a complete response was not received within the period for reply to the Notice of Missing Parts, the application was properly held abandoned. Accordingly, the petition is **dismissed.**

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." Extensions of time are permitted under 37 CFR 1.136(a). In the alternative, petitioner may wish to file a petition under 37 CFR 1.137(b).

A grantable petition under 37 CFR 1.137(b) **must be accompanied by**:

(1) The required reply to the outstanding Notice (i.e., replacement drawings reasonably free from erasures, alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 6-12).

(2) The petition fee as set forth in 1.17(m) ($750.00 for a small entity or $1,500.00 for a large entity);

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

The Office finance records indicate that a $1,500.00 petition fee was mistakenly charged to the Deposit Account. If petitioners desire, this amount may be applied toward the filing of a petition under 37 CFR 1.137. Alternatively, petitioners may request a refund of the $1,500.00 fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioners' request.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PAUL J. SUTTON, ESQ., BARRY G. MAGIDOFF, ESQ.
GREENBERG TRAURIG, LLP
200 PARK AVENUE
NEW YORK NY 10166

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AUG 0 7 2007

OFFICE OF PETITIONS

In re Application of	:	
Endres et al.	:	
Application No. 11/092,335	:	DECISION ON PETITION
Filed: 03/29/2005	:	
Attorney Docket No. 0267-001-2030CIP4	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 18, 2007, to revive the above-identified application.

On April 25, 2005, the Office mailed a Notice to File Missing Parts of Nonprovisional Application (Notice of Missing Parts), which set a two-month period to reply. Extensions of time for response were available under 37 CFR 1.136(a). On November 23, 2005, petitioners submitted a reply to the outstanding Notice of Missing Parts, a request for an extension of time for response within the fifth month, and the requisite fees.

On January 10, 2006, the Office mailed a Notice of Incomplete Reply, which stated that the Office had received petitioners' reply to the Notice of Missing Parts on November 23, 2005, and that the reply had been entered. The Notice of Incomplete Reply further stated that the drawings submitted as part of the reply on November 23, 2005, were not acceptable because the drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 6-12. The Notice of Incomplete Reply indicated that no new time period, other than the reply period set forth in the Notice of Missing Parts, was being provided to submit a complete reply. In the absence of a timely and complete response to the Notice of Missing Parts, the Office mailed a Notice of Abandonment on September 21, 2006.

On October 24, 2006, petitioners filed a petition under 37 CFR 1.181 to withdraw the holding of abandonment, which was dismissed by the decision of January 18, 2007. On April 18, 2007, petitioners filed the present petition under 37 CFR 1.137(b) to revive the application.

Petitioners have met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioners submitted the required reply, paid the petition fee, and made the proper statement of unintentional delay. Accordingly, the petition is **granted.**

The $120.00 extension of time fee is unnecessary and will be refunded to the Deposit Account.

This matter is being referred to the Office of Initial Patent Examination.

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Office of Initial Patent Examination.

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
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ATLANTA, GA 30342

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SEP 15 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of
James C. Carson
Application No. 11/092,340
Filed: March 29, 2003
Attorney Docket No. 8E07.1-051

This is a decision on the petition to withdraw the above-identified application from issue pursuant to the provisions of 37 CFR 1.313(c)(2), filed September 8, 2006.

The petition is granted.

Petitioner requests that the application be withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

A review of the record shows that the issue fee was paid on April 19, 2006 in response to the Notice of Allowance mailed April 14, 2006. On May 26, 2006, a Request for Continued Examination (RCE) under 37 CFR 1.114 was filed, without an appropriate petition to withdraw from issue under 37 CFR 1.313(c)(2). Nevertheless, the U.S. Patent and Trademark Office (USPTO) processed the improper RCE and issued a non-final Office action on August 28, 2006. Accordingly, this petition to withdraw from issue is being treated as having been granted prior to the mailing of the August 28, 2006 Office action.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

Petitioner is reminded that the period set in the Office action mailed August 28, 2006 continues to run.

Petitioner is also advised that the issue fee paid on April 19, 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]

[1]The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

The application is being referred to Technology Center AU 2818 to await a response to the non-final Office action mailed August 28, 2006.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

MEHRMAN LAW OFFICE, P.C.

PATENT, COPYRIGHT, TRADEMARK, TRADE SECRET AND RELATED LITIGATION

MICHAEL J. MEHRMAN
MIKE@MEHRMANLAW.COM
DIRECT: 404.497.7401
MOBILE: 678.637.6080

FAX

FAX RECEIVED

SEP 14 2006

OFFICE OF PETITIONS

To: United States Patent and Trademark Office
Sherry Brinkley

From: Zilla Higgs for
Michael J. Mehrman, Esq.

Fax: (571) 273-0025

Pages: 22 including cover

Date: September 14, 2006

Re: Request to Correct Petition
Doubled-Sided, Edge-Mounted Stripline Signal Processing Modules And Modular Network
Serial No.: 11/092,340
Our Ref. No.:8E07.1-051

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐Please Recycle

PLEASE CALL 404.497.7400 IMMEDIATELY IF NOT RECEIVED PROPERLY

COMMENTS:

Contents of this filing include:

Request to Correct Petition (2 pages)

Copy of Petition filed September 8, 2006 (7 pages)

Copy of RCE and IDS filed May 26, 2006 (12 pages)

NOTICE

THE INFORMATION TRANSMITTED HEREWITH MAY CONTAIN PRIVILEGED, TRADE SECRET AND/OR CONFIDENTIAL INFORMATION, AND IS INTENDED SOLELY FOR THE VIEWING AND USE OF THE PERSON OR ENTITY NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, USE, COMMUNICATION, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY BY TELEPHONE, AND RETURN OR DESTROY ALL COPIES.

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PHONE: 404.497.7400 •• FAX: 404.497.7405

Serial No.:11/092,340
Attorney Docket No.:8E07.1-051
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FAX RECEIVED
SEP 14 2006
OFFICE OF PETITIONS

In re Application of:

James Crawford Carson

Serial No.: **11/092,340**

Filed: **March 29, 2005**

For: **Double-Sided, Edge-Mounted Stripline Signal Processing Modules And Modular Network**

Art Unit: **2817**

Examiner: **Dean O. Takoaka**

REQUEST TO CORRECT PETITION

Commissioner for Patents
Mail Stop Petition
P.O. Box 1450
Alexandria, VA 22313-1450

September 14, 2006

Customer No. 35,725

Sir:

The Applicant filed a petition on September 8, 2006 (copy enclosed). The Applicant hereby corrects the petition as follows: an RCE and Information Disclosure Statement were filed in connection with the present application on May 26, 2006 (copy enclosed) and an Office Action is currently pending. However, Applicant did not file a petition at the time of the RCE. Applicant filed a petition and paid petition fees on September 8, 2006.

Please charge any additional fee due or credit any refund to Deposit Account **50-2591**.

I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office, Patents by First Class Mail or facsimile directed to the Central Fax No. (571) 273-8300 on the date shown below.

9/14/2006

Michael J. Mehrman, Reg. No. 40,086 Date

Serial No.:11/092,340
Attorney Docket No.:8E07.1-051
PATENT

Respectfully submitted,

By: Michael J. Mehrman
Reg. No. 40,086

Mehrman Law Office, P.C.
5605 Glenridge Drive, Suite 795
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404 497 7400 telephone
404 497 7405 facsimile
mike@mehrmanlaw.com

PTO/SB/17p (07-05)
Approved for use through 09/30/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION FEE
Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL
(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	11/092,340
Filing Date	March 29, 2005
First Named Inventor	James Crawford Carsen
Art Unit	2817
Examiner Name	Dean O. Takaoka
Attorney Docket Number	RE07.1-051

Enclosed is a petition filed under 37 CFR 1.313 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of $ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. *For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.*

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OFFICE OF PETITIONS

Payment of Fees (small entity amounts are NOT available for the petition fees)

☐ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. _____:
☐ petition fee under 37 CFR 1.17(f), (g) or (h) ☐ any deficiency of fees and credit of any overpayments
Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of $ _____ is enclosed.

☒ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee $400 Fee Code 1462
For petitions filed under:
§ 1.36(a) - for revocation of a power of attorney by fewer than all applicants
§ 1.53(e) - to accord a filing date.
§ 1.57(a) - to accord a filing date.
§ 1.182 - for decision on a question not specifically provided for.
§ 1.183 - to suspend the rules.
§ 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
§ 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee $200 Fee Code 1463
For petitions filed under:
§ 1.12 - for access to an assignment record.
§ 1.14 - for access to an application.
§ 1.47 - for filing by other than all the inventors or a person not the inventor.
§ 1.59 - for expungement of information.
§ 1.103(a) - to suspend action in an application.
§ 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
§ 1.295 - for review of refusal to publish a statutory invention registration.
§ 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
§ 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
§ 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.
§ 1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.
§ 5.12 - for expedited handling of a foreign filing license.
§ 5.15 - for changing the scope of a license.
§ 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee $130 Fee Code 1464
For petitions filed under:
§ 1.19(g) - to request documents in a form other than that provided in this part.
§ 1.84 - for accepting color drawings or photographs.
§ 1.91 - for entry of a model or exhibit.
§ 1.102(d) - to make an application special.
§ 1.138(c) - to expressly abandon an application to avoid publication.
§ 1.313 - to withdraw an application from issue.
§ 1.314 - to defer issuance of a patent.

Signature — Date: 9-8-06

Michael J. Mehrman — Typed or printed name

40,086 — Registration No., if applicable

This collection of information is required by 37 CFR 1.17. 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 5 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.

Serial No.:11/092,340
Attorney Docket No.:8E07.1-051
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
James Crawford Carson	Art Unit: **2817**
Serial No.: **11/092,340**	Examiner: **Dean O. Takoaka**
Filed: **March 29, 2005**	FAX RECEIVED
For: **Double-Sided, Edge-Mounted Stripline Signal Processing Modules And Modular Network**	SEP 1 4 2006 OFFICE OF PETITIONS

PETITION TO WITHDRAW AN APPLICATION FROM ISSUE 37 C.F.R. §1.313

Commissioner for Patents
Mail Stop Petition
P.O. Box 1450
Alexandria, VA 22313-1450

September 8, 2006

Customer No. 35,725

Sir:

The Applicant hereby requests to withdraw above-identified patent application from issue. Issue fee was paid on April 19, 2006. Withdrawal of this application is necessary for purpose of submission and consideration of an Information Disclosure Statement containing references cited in a related EPO examination after payment of the Issue Fee. Applicant will file an RCE, IDS and Preliminary Amendment in further pursuit of this application.

A credit card authorization for the $130 petition fee is enclosed. Please charge any additional fee due or credit any refund to Deposit Account **50-2591**.

I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office, Patents by First Class Mail or facsimile directed to the Central Fax No. (571) 273-8300 on the date shown below.

Michael J. Mehrman, Reg. No. 40,086 9/8/2006 Date

Serial No.:11/092,340
Attorney Docket No.:8E07.1-051
PATENT

Respectfully submitted,

By: Michael J. Mehrman
Reg. No. 40,086

Mehrman Law Office, P.C.
5605 Glenridge Drive, Suite 795
Atlanta, GA 30342
404-497 7400 telephone
404 497 7405 facsimile
mike@mehrmanlaw.com

MEHRMAN LAW OFFICE, P.C.

PATENT, COPYRIGHT, TRADEMARK, TRADE SECRET AND RELATED LITIGATION

MICHAEL J. MEHRMAN
MIKE@MEHRMANLAW.COM
DIRECT: 404.497.7401
MOBILE: 678.637.6980

FAX

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OFFICE OF PETITIONS

To: United States Patent and Trademark Office
Mail Stop: Petition

From: Zilla Higgs for
Michael J. Mehrman, Esq.

Fax: (571) 273-8300

Pages. 5 including cover

Date: September 8, 2006

Re: Petition
Double-Sided, Edge-Mounted Stripline Signal Processing Modules and Modular Network
Serial No.: 11/092,340
Our Ref. No.:8E07.1-051

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Petition to Withdraw an Application from Issue (2 pages)

Petition Fee Transmittal

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1566	Memory TX	15712738300	P. 5	OK	

Reason for error
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E.3) No answer
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MICHAEL J. MEHRMAN
MIKE@MEHRMANLAW.COM
DIRECT: 404.497.7401
MOBILE: 678.937.0880

FAX

To: United States Patent and Trademark Office
Mail Stop: Petition

From: Zilla Higgs for
Michael J. Mehrman, Esq.

Fax: (571) 273-8300

Pages: 5 including cover

Date: September 8, 2006

Re: Petition
Double-Sided, Edge-Mounted Stripline Signal Processing Modules and Modular Network
Serial No.: 11/092,340
Our Ref. No.:8E07.1-051

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COMMENTS:

Contents of this filing include:
Petition to Withdraw an Application from Issue (2 pages)
Petition Fee Transmittal
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PHONE: 404.497.7400 • • FAX: 404.497.7405

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Auto-Reply Facsimile Transmission

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Date Received: 9/8/2006 3:46:51 PM [Eastern Daylight Time]
Total Pages: 5 (including cover page)

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Received Cover Page =======>

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PATENT, COPYRIGHT, TRADEMARK, TRADE SECRET AND RELATED LITIGATION

MICHAEL J. MEHRMAN
MEHRMAN@MEHRMANLAW.COM

UNIT 1, 404.497.7401
MOBILE: 070.637.0080

FAX

To: United States Patent and Trademark Office
Mail Stop: Petition

From: Zilla Higgs for
Michael J. Mehrman, Esq.

Fax: (571) 273-8300

Pages: 5 including cover

Date: September 8, 2006

Re: Petition
Double-Sided, Edge-Mounted Stripline Signal Processing Modules and Modular Network
Serial No.: 11/092,340
Our Ref. No.: 8E07.1-051

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COMMENTS:

Contents of this filing include:
Petition to Withdraw an Application from Issue (2 pages)
Petition Fee Transmittal
Credit Card Payment Form

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PAGE 1/5 * RCVD AT 9/8/2006 3:46:51 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/25 * DNIS:2738300 * CSID:404 497 7405 * DURATION (mm-ss):02-04

Received Time Sep. 8. 2:46PM

PTO/SB/17 (01-06)
Approved for use through 07/31/2006. OMB 0651-0032
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

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 790.00

Complete if Known	
Application Number	11/092,340
Filing Date	March 29, 2005
First Named Inventor	James Crawford Carson
Examiner Name	Dean O. Takaoka
Art Unit	2817
Attorney Docket No.	8E07.1-051

FAX RECEIVED
SEP 14 2006
OFFICE OF PETITIONS

METHOD OF PAYMENT (check all that apply)

☐ Check ☑ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☑ Deposit Account Deposit Account Number: 50-2591 Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☑ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☑ Credit any overpayments

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FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES Fee ($)	FILING FEES Small Entity Fee ($)	SEARCH FEES Fee ($)	SEARCH FEES Small Entity Fee ($)	EXAMINATION FEES Fee ($)	EXAMINATION FEES Small Entity Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims _____ - 20 or HP = _____ x _____ = _____ (Extra Claims, Fee ($), Fee Paid ($))

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims _____ - 3 or HP = _____ x _____ = _____ (Extra Claims, Fee ($), Fee Paid ($))

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims Fee ($) _____ Fee Paid ($) _____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets _____ - 100 = _____ (Extra Sheets) / 50 = _____ (Number of each additional 50 or fraction thereof) (round up to a whole number) x _____ (Fee ($)) = _____ (Fee Paid ($))

4. OTHER FEE(S) Fees Paid ($)

Non-English Specification, $130 fee (no small entity discount) _____

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SUBMITTED BY			
Signature		Registration No. (Attorney/Agent) 40,086	Telephone (404) 497-7400
Name (Print/Type)	Michael J. Mehrman		Date May 26 2006

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Docket No. 8E07.1-051

Patents

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OFFICE OF PETITIONS

In re Application of:

James Crawford Carson

Serial No.: **11/092,340**

Filed: **March 29, 2005**

For: **Double-Sided, Edge-Mounted Stripline Signal Processing Modules And Modular Network**

Art Unit: **2817**

Examiner: **Dean O. Takaoka**

REQUEST FOR CONTINUED EXAMINATION
INFORMATION DISCLOSURE STATEMENT AND AMENDMENT

Mail Stop: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 26, 2006

Sir:

Applicant hereby files a Request for Continued Examination and the accompanying Amendment and Information Disclosure Statement. Please reexamine the application in view of these new materials.

Respectfully submitted,

By: Michael J. Mehrman
Reg. No. 40,086

Mehrman Law Office, P.C.
5605 Glenridge Drive, Suite 795
Atlanta, GA 30342
404 497 7400 telephone
404 497 7405 facsimile

I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office, Patents by United States via facsimile transmitted to the USPTO central fax number 571-273-8300 on the date shown below.

Michael J. Mehrman - Reg. No. 40,086 5-26-2006 Date

PTO/SB/30 (04-05)
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Request for Continued Examination (RCE) Transmittal

Address to:
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Application Number	11/092,340
Filing Date	03/29/2005
First Named Inventor	James Crawford Carson
Art Unit	2817
Examiner Name	Takaoka, Dean O.
Attorney Docket Number	8E07.1-051

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This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114 Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☐ Other _____

b. ☑ Enclosed

i. ☑ Amendment/Reply

ii. ☐ Affidavit(s)/ Declaration(s)

iii. ☑ Information Disclosure Statement (IDS)

iv. ☐ Other _____

2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. ☑ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 50-2591. I have enclosed a duplicate copy of this sheet.

i. ☑ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☑ Other Charge underpayments or credit overpayments

b. ☐ Check in the amount of $ _____ enclosed

c. ☑ Payment by credit card (Form PTO-2038 enclosed)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	5/26/2006
Name (Print/Type)	Michael J. Mehrman	Registration No.	40,086

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Name (Print/Type)	Zilla Higgs	Date	5-26-06

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

CLAIMS LISTING

1-37 (canceled)

38. (currently amended) A signal processing module configured to perform a signal processing operation on signals propagating through the module, comprising:

a front-side microstrip circuit portion having a conductive printed circuit side exposed to air on a first side and exposed to a first dielectric substrate on an opposing side;

a back-side microstrip circuit portion having a conductive printed circuit side exposed to air on a first side and exposed to a second dielectric substrate on an opposing side;

one or more electrical connections operatively connecting the front-side microstrip circuit portion to the back-side microstrip circuit portion to form a double-sided microstrip circuit configured to implement the signal processing operation; and

a ground plane sandwiched between the front-side and the back-side microstrip circuit portions.

39. (currently amended) The signal processing module of claim 38, ~~further comprising~~ wherein the electrical connections comprise:

one or more tap-through connectors electrically connecting the printed circuit side of the front-side microstrip circuit portion to the printed circuit side of the back-side microstrip circuit portion; and

the tap-through connectors extending through and electrically insulated from the ground plane~~; and~~

~~wherein the printed circuit sides of the front side and back side circuit portions, as connected by the tap-through connectors, form an integral double-sided microstrip circuit~~.

40. (currently amended) The signal processing module of claim ~~39~~ 38, wherein the integral double-sided microstrip circuit comprises an orthogonal signal processing network comprising a crossover defined by the printed circuit sides of the front-side and back-side circuit portions and the tap-through connectors.

41. (previously presented) The signal processing module of claim 40, wherein the orthogonal signal processing network comprises a Butler matrix circuit.

42. (previously presented) The signal processing module of claim 40, wherein the orthogonal signal processing network comprises a circuit selected from the group consisting of:

a two-by-four beam steering circuit;

a diplexer filter circuit comprising at least three ports;

a four-by-four Butler matrix circuit;

an eight-by-eight Butler matrix circuit; and

a monopulse comparator circuit.

43. (previously presented) The signal processing module of claim 42, wherein:

the signal processing module defines an interface edge with one or more input ports and one or more output ports located at the interface edge; and

the integral double-sided microstrip circuit is configured to perform the signal processing operation on signals as they propagate from the input ports to the output ports.

44. (currently amended) A signal processing module configured to perform a signal processing operation on signals propagating through the module, comprising:

a first ground plane carried by a first dielectric substrate;

a front-side microstrip circuit portion having a conductive printed circuit side exposed to the dielectric substrate carried by the first ground plane on a first side, and having a dielectric material on an opposing side;

a second ground plane carried by a second dielectric substrate;

a back-side microstrip circuit portion having a conductive printed circuit side exposed to the dielectric substrate carried by the second ground plane on a first side, and having a dielectric material on an opposing side;

<u>one or more electrical connections operatively connecting the front-side microstrip circuit portion to the back-side microstrip circuit portion to form a double-sided microstrip circuit configured to implement the signal processing operation;</u> and

a third ground plane sandwiched between the dielectric material sides of the front-side and the back-side microstrip circuit portions.

45. (previously presented) The signal processing module of claim 44, wherein:

the signal processing module defines an interface edge with one or more input ports and one or more output ports located at the interface edge; and

the integral double-sided microstrip circuit is configured to perform the signal processing operation on signals as they propagate from the input ports to the output ports.

46. (currently amended) The signal processing module of claim 45, ~~further comprising~~ wherein the electrical connections comprise:

one or more tap-through connectors electrically connecting the printed circuit side of the front-side microstrip circuit portion to the printed circuit side of the back-side microstrip circuit portion; and

the tap-through connectors extending through and electrically insulated from the third ground plane~~; and~~

~~wherein the printed circuit sides of the front-side and back-side circuit portions, as connected by the tap-through connectors, form an integral double-sided microstrip circuit~~.

47. (previously presented) The signal processing module of claim 45, wherein the integral double-sided microstrip circuit comprises an orthogonal signal processing network comprising a crossover defined by the printed circuit sides of the front-side and back-side circuit portions and the tap-through connectors.

48. (previously presented) The signal processing module of claim 47, wherein the orthogonal signal processing network comprises a Butler matrix circuit.

49. (previously presented) The signal processing module of claim 47, wherein the orthogonal signal processing network comprises a circuit selected from the group consisting of:

a two-by-four beam steering circuit;

a diplexer filter circuit comprising at least three ports;

a four-by-four Butler matrix circuit;

an eight-by-eight Butler matrix circuit; and

a monopulse comparator circuit.

50. (currently amended) A signal processing module configured to perform a signal processing operation on signals propagating through the module, comprising:

a multi-layer double-sided stripline PC circuit board comprising a series of thin, flat parallel layers defining an interface edge with one or more input ports and one or more output ports located at the interface edge;

the PC circuit board comprising:

a first layer comprising a first microstrip transmission media circuit portion exposed to air on one side and a second layer on its other side;

the second layer comprising a first dielectric substrate on which the first microstrip transmission media is printed to form a first PC board, the second layer exposed to the first layer on one side and a third layer on its other side;

the third layer comprising a common ground plane exposed to an adhesive layer on one side and the second or a fourth layer on its other side;

the fourth layer comprising a second dielectric substrate on which a second microstrip transmission media is printed to form a second PC board, the fourth layer exposed to a fifth layer on one side and the adhesive layer or the ground plane on its other side; ~~and~~

the fifth layer comprising a second microstrip transmission media circuit portion exposed to air on one side and a fourth layer on its other side; and ~~side.~~

one or more electrical connections operatively connecting the first and second microstrip transmission media circuit portions to form a double-sided microstrip circuit configured to implement the signal processing operation.

51. (currently amended) The signal processing module of claim 50, ~~further comprising~~ wherein the electrical connections comprise:

one or more tap-through connectors electrically connecting the first layer to the fifth layer, extending through the second, third and fourth layers, and electrically insulated from the ground plane;

~~wherein the first and second microstrip transmission media circuit portions, as connected by the tap-through connectors, form an integral double sided microstrip circuit with the ground plane sandwiched in the middle;~~ and

wherein the integral double-sided microstrip circuit is configured to perform the signal processing operation on signals as they propagate from the input ports to the output ports.

52. (currently amended) The signal processing module of claim ~~51~~ 50, wherein the integral double-sided microstrip circuit comprises an orthogonal signal processing network comprising a crossover defined by the first and second microstrip transmission media circuit portions and the tap-through connectors.

53. (previously presented) The signal processing module of claim 51, wherein the orthogonal signal processing network comprises a Butler matrix circuit.

54. (previously presented) The signal processing module of claim 52, wherein each network module comprises a circuit selected from the group consisting of:

a two-by-four beam steering circuit;

a diplexer filter circuit comprising at least three ports;

a four-by-four Butler matrix circuit;

an eight-by-eight Butler matrix circuit; and

a monopulse comparator circuit.

55. (previously presented) The signal processing module of claim 50, further comprising a third microstrip transmission media circuit portion carried on the side of second layer opposing the first layer.

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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

Complete If Known	
Application Number	11/092,340
Filing Date	3/29/2005
First Named Inventor	James Crawford Carson
Art Unit	2817
Examiner Name	Dean O. Takaoka
Attorney Docket Number	8E07.1-051

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U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 4,821,007	04-11-1989	Fields, et al.	
		US- 4,906,954	03-06-1990	Tanaka, et al.	
		US- 3,575,674	04-20-1971	Howe, Jr.	
		US- 4,935,709	06-19-1990	Singer	
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MICHAEL J. MEHRMAN
MIKE@MEHRMAN-LAW.COM
DIRECT: 404.497.7401
MOBILE: 678.627.8080

FAX

To: United States Patent and Trademark Office

From: Zilla Higgs for Michael J. Mehrman, Esq.

Fax: (571) 273-8300

Pages: 11 including cover

Date: May 26, 2006

Re: Amendment
Double-Sided, Edge-Mounted Stripline Signal Processing Modules And Modular Network
Serial No.: 11/092,340
Our Ref. No.:6807.1-051

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From: Zilla Higgs for Michael J. Mehrman, Esq.

Fax: (571) 273-8300

Pages: 11 including cover

Date: May 26, 2006

Re: Amendment
Double-Sided, Edge-Mounted Stripline Signal Processing Modules And Modular Network
Serial No.: 11/092,340
Our Ref. No.:8E07.1-051

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Mail Date: 04/21/2010

Applicant	: John Knopf	: DECISION ON REQUEST FOR
Patent Number	: 7625867	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/092,353	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **297** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Patent Group
Microsoft Corporation
One Microsoft Way
Redmond, WA 98052

Mail Date: 04/21/2010

Applicant	: Andrew L. Silverman	: DECISION ON REQUEST FOR
Patent Number	: 7647346	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/092,354	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **555** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

Patent Group
Microsoft Corporation
One Microsoft Way
Redmond, WA 98052

Mail Date: 05/18/2010

Applicant : Andrew L. Silverman
Patent Number : 7647346
Issue Date : 01/12/2010
Application No : 11/092,354
Filed : 03/29/2005

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **601** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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POLSTER, LIEDER, WOODRUFF & LUCCHESI
12412 POWERSCOURT DRIVE, SUITE 200
ST. LOUIS, MO 63131-3615

COPY MAILED

OCT 10 2006

OFFICE OF PETITIONS

In re Application of	:	
HEISSERER	:	
Application No. 11/092,359	:	DECISION ON PETITION
Filed: March 29, 2005	:	TO WITHDRAW
Attorney Docket No. HEIE 8889U1	:	FROM RECORD
	:	

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 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 request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at 571-272-7253.

for David Bucci
Petitions Examiner
Office of Petitions

cc: **Eugene Heisserer**
1480 Country Highway 248
Chaffee, MI 63740

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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POLSTER, LIEDER, WOODRUFF & LUCCHESI
12412 POWERSCOURT DRIVE SUITE 200
ST. LOUIS MO 63131-3615

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MAY 23 2008

In re Application of	:	
HEISSERER, Eugene	:	
Application No. 11/092,359	:	DECISION ON PETITION
Filed: March 29, 2005	:	TO WITHDRAW
Attorney Docket No. **HEIE 8889UI**	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 19, 2006 and re-submitted April 10, 2008.

The request is **APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Scott A. Smith 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 sole named inventor Eugene Heisserer at the address indicated below.

There is an outstanding Office action mailed March 31, 2008 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

MaGraves

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **EUGENE HEISSERER**
1480 COUNTRY HIGHWAY 248
CHAFFEE, MI 63740

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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THE WALT DISNEY COMPANY
C/O GREENBERG TRAURIG LLP
The Tabor Center, 1200 17th Street
Suite 2400
Denver, CO 80202

Mail Date: 04/20/2010

Applicant	: Stephanie Kraus	: DECISION ON REQUEST FOR
Patent Number	: 7637382	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/092,361	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/28/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **448** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Texas Instruments Incorporated
P.O. Box 655474, M/S 3999
Dallas, TX 75265

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JUL 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Mark A. Gerber et al.	:	
Application No. 11/092,363	:	DECISION ON PETITION
Filed: March 29, 2005	:	
Attorney Docket No. TI-38932	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 5, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability mailed on December 24, 2008, which set a period for reply of three (3) months. Accordingly, the application became abandoned on March 25, 2009. A Notice of Abandonment was mailed on 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 corrected drawings, (2) the petition fee of $1,620, (3) a proper statement of unintentional delay. Accordingly, the corrected drawings are 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.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

Carl Friedman
Petitions Examiner
Office of Petitions

Yingsheng Tung
7839 Churchhill Way MS 3999
Dallas, TX 75251

Doc Code: PET.OP
Document Description: Petition for Review by the Office of Petitions

PTO/SB/64 (04-09)
Approved for use through 05/31/2009. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) TI-38932

First named inventor: Mark A. Gerber

Application No.: 11/092,363 Art Unit: 2823

Filed: March 29, 2005 Examiner: Su C. Kim

Title: Vertically Integrated System-In-A-Package

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 any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional

1. Petition Fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.

☑ Other than small entity-fee $ 1620.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Replacement Formal Drawings (identify type of reply):

☐ has been filed previously on _____.

☑ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ 1810.00.

☑ has been paid previously on March 2, 2009.

☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

3. Terminal disclaimer with disclaimer fee

☑ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $_____for a small entity or $_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

/Yingsheng Tung/	May 5, 2009
Signature	Date
Yingsheng Tung	52,305
Type or Printed name	Registration Number, If applicable
7839 Churchill Way MS 3999	(972) 917-5355
Address	Telephone Number
Dallas, TX 75251	
Address	

Enclosures:

☑ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☑ Other: Replacement Formal Drawings

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 the Freedom of Information Act requires disclosure of these records.
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 inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/092,363	03/29/2005	Mark A. Gerber	TI-38932	7385

7590 04/24/2009
TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

EXAMINER
KIM, SU C

ART UNIT	PAPER NUMBER
2823	

NOTIFICATION DATE	DELIVERY MODE
04/24/2009	ELECTRONIC

Notice of Abandonment

This application is abandoned in view of:

1. ☐ The 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 date _____), which is after the expiration of the period for reply (including a total extension 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);
   (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 e 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 date _____), 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 recieved.
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 Trasmission dated _____), which is after the expiration of the period for reply.
   (b) ☒ No corrected drawing 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 filling 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:

Petitions to revive under 37 CFR 1.137(a) or (b), or request to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 11092363 Total Records Found: 12

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
05/05/2009	00012311	4	1453	$1,620.00	05/05/2009	DA 200668
03/03/2009	00004989	4	1501	$1,510.00	03/02/2009	DA 200668
03/03/2009	00004990	4	1504	$300.00	03/02/2009	DA 200668
05/02/2008	00001727	4	1251	$120.00	05/01/2008	DA 200668
05/02/2008	00001728	4	1801	$810.00	05/01/2008	DA 200668
03/29/2007	00004714	4	1402	$500.00	03/29/2007	DA 200668
01/30/2007	00000193	4	1401	$500.00	01/29/2007	DA 200668
08/18/2006	00002410	4	1251	$120.00	08/18/2006	DA 200668
04/08/2005	00000119	1	8021	$40.00	03/29/2005	DA 200668
03/31/2005	00000157	1	1311	$200.00	03/29/2005	DA 200668
03/31/2005	00000155	1	1011	$300.00	03/29/2005	DA 200668
03/31/2005	00000156	1	1111	$500.00	03/29/2005	DA 200668

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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 04/20/2010

Applicant	: Mark A. Gerber	: DECISION ON REQUEST FOR
Patent Number	: 7582963	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/092,363	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Hamilton, Brook, Smith & Reynolds, P.C.
530 Virginia Road
P.O. Box 9133
Concord, MA 01742-9133

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JUL 17 2007

OFFICE OF PETITIONS

In re Application of	:	
Brian Kilgore	:	
Application No. 11/092,372	:	DECISION ON PETITION
Filed: March 29, 2005	:	TO WITHDRAW
Attorney Docket No. 2479.1013-001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 28, 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, [summarize reasons], 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
Terri Williams
Petitions Examiner
Office of Petitions

cc: **Volpe and Koenig, P.C.**
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

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OFFICE OF PETITIONS

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530 Virginia Road
P.O. Box 9133
Concord, MA 01742-9133

In re Application of	:	
Brian Kilgore	:	
Application No. 11/092,372	:	DECISION ON PETITION
Filed: March 29, 2005	:	TO WITHDRAW
Attorney Docket No. 2479.1013-001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 26, 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 J. Thibodeau, Jr. on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is no outstanding Office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Brian Kilgore**
1368 Elcon Drive
Melbourne, FL 32904

cc: **John C. Donch, Esq.**
Volpe and Koeing, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/092,372	03/29/2005	Brian Kilgore	2479.1013-001

CONFIRMATION NO. 7377

POWER OF ATTORNEY NOTICE

OC000000027357050

21005
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

Date Mailed: 12/18/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/26/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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L.C. BEGIN & ASSOCIATES, PLLC
510 HIGHLAND AVENUE
PMB 403
MILFORD, MI 48381-1586

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MAR 25 2009

OFFICE OF PETITIONS

In re Application of Graylon K. Williams, et. al. Application No. 11/092,377 Filed: March 29, 2005 Attorney Docket No. 5702-01059	DECISION ON PETITION UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed March 9, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 1793 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.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Andrea Smith
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/092,377	03/29/2005	1793	1340	5702-01059	11	2

CONFIRMATION NO. 7357

CORRECTED FILING RECEIPT

L.C. BEGIN & ASSOCIATES, PLLC
510 HIGHLAND AVENUE
PMB 403
MILFORD, MI 48381-1586

OC000000035101311

Date Mailed: 03/20/2009

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)

Graylon K. Williams, Warren, MI;
Robert J. Matlock, Southfield, MI;

Power of Attorney:
Dennis Scheer--39356
Laurence Begin--42310

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/557,279 03/29/2004
and is a CON of 10/964,052 10/12/2004

Foreign Applications

If Required, Foreign Filing License Granted: 05/16/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/092,377**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Gas generant and manufacturing method thereof

Preliminary Class

149

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Robert A. McLauchlan
P.O. Box 26780
Austin, TX 78755

AUG 15 2007

In re Application of:
Wesley David Turner et al.
Serial No.: 11/092,390
Filed: March 29, 2005
Attorney Docket No.: LM P072US

DECISION
ACCEPTING PAPERS

This is a decision accepting the response filed on June 11, 2007, via facsimile transmission, as being timely filed.

A non-final Office action (a restriction requirement) was mailed to the applicant on November 30, 2006. The action set a 1 month shortened statutory period in which to respond. The response filed on June 11, 2007 includes a Certificate of Mailing under 37 C.F.R. § 1.8 dated January 10, 2007 signed by registered patent attorney Robert McLauchlan. It further includes a copy of the USPTO's Auto-Reply Facsimile Transmission showing 7 pages, including the first page of the reply, were received at the USPTO on January 10, 2007. If the response was received at the PTO on January 10, 2007, and if it was filed with a petition for a 1 month extension of time, it would have been a timely response to the Office action.

The response filed on June 11, 2007 does indicate that mistakes were made on part of the applicant. First, the serial number on the response was S.N. 10/092,390 instead of S.N. 11/092,390. Second, the response incorrectly states that it was made within the shortened statutory period and that no additional fee is required. Third, the response includes a Certificate of Mailing instead of a Certificate of Transmission.

However, none of these mistakes are considered to be catastrophic. Although the response incorrectly lists the Serial No. as 10/092,390 instead of 11/092,390, the other information such as filing date, inventor and title are correct. The combination of information should have been sufficient to match the response to the application file. Although the response states that no additional fee is required, it also includes an authorization to charge any fees to Deposit Account No. 50-2126 of Garlick, Harrison and Markison. The authorization could have been considered as a constructive petition and fee for a 1 month extension of time under MPEP section 710.02(e). Finally, although the response includes a Certificate of Mailing instead of a Certificate of Transmission, the total information is sufficient to establish that a transmission for Serial No. 11/092,390 was received at the USPTO on January 10, 2007.

For the above reasons, the response of June 11, 2007 is hereby accepted as being timely filed and accepted for entry in the file record. A $120.00 one month extension of time fee pursuant to 37 C.F.R. § 1.17(a)(1) will be charged to Deposit Account No. 50-2126. The response will be considered by the examiner and an Office action based upon the response will be forthcoming.

Any inquiries regarding this decision should be directed to Edward Westin at (571) 272-1638.

Andrew Hirshfeld, Acting Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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OFFICE OF PETITIONS

In re Application of	:	
Christpohe Moser, et al.	:	
Application No. 11/092,392	:	ON PETITION
Filed: March 29, 2005	:	
Attorney Docket No. OND-015	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 15, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action mailed November 7, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 8, 2007. The Notice of Abandonment was mailed June 18, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

The proposed reply filed herewith does not place the application in condition for allowance. 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).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

Liana Walsh
Petitions Examiner
Office of Petitions

Enclosed: Copy of the Examiner's Advisory Action (PTOL-303)

Advisory Action Before the Filing of an Appeal Brief	Application No. 11/092,392	Applicant(s) MOSER ET AL.	
	Examiner Rhonda S. Peace	Art Unit 2874	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: 1-22.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Michelle R. Connelly-Cushwa/
Primary Examiner

Continuation of 11. does NOT place the application in condition for allowance because: Yankov et al anticipates amended claims 1 and 12 under 35 USC 102(e).

Applicant argues the current claims 1-23 are distinguishable over Yankov et al, as claims 1 and 12 have been amended to recite, "with the volume grating extended throughout the bulk of the holographic element." Applicant argues Yankov et al fails to disclose a volumetric grating, as the gratings of Yankov et al are written in a planar waveguide, wherein said waveguides confine light in two dimensions. Applicant concludes the gratings of Yankov et al are not volumetric, as they do not allow diffraction in three-dimensions. The Examiner respectfully disagrees.

Neither of claims 1 nor 12 require the functionality as argued above by the Applicant, namely, wherein said volumetric grating allows the diffraction of light in three dimensions. As broadly interpreted by one of ordinary skill in the art, "volumetric holographic grating" requires only a holographic grating occupying three-dimensional space. As stated in the final rejection dated 11/7/2007, "Gratings 105 are considered volume gratings as they are written within the volume of layer 210 of the device (Fig. 2 paragraph 0030)."

Applicant further argues the gratings of Yankov et al do not diffract the input beam co-linearly, and further states, if Yankov et al did disclose gratings that diffracted the input beam co-linearly, all beams would be directed to one output. Applicant further argues, the functionality of the holographic grating as described by Yankov et al and the volume holographic grating of the current invention is different, and therefore cannot be used as the basis for a rejection.

To the first argument immediately above, Yankov et al discloses their gratings may be used as a multiplexer to focus several optical beams having different wavelengths into a single beam containing all of said wavelengths directed to a single output. See paragraph 0036. To the second argument immediately above, while the features of an apparatus may be recited either structurally or functionally, claims drawn to an apparatus must be distinguished from the prior art in terms of structure rather than function. In re Schriber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997). Claims 1 and 12 do not structurally distinguish themselves over Yankov et al for the reasons cited above.

/Rhonda S. Peace/
Examiner, Art Unit 2874

/Michelle R. Connelly-Cushwa/
Primary Examiner, AU 2874

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850 EAST DUARTE ROAD
MONROVIA CA 91016

In re Application of	:	
Christophe Moser, et al.	:	
Application No. 11/092,392	:	ON PETITION
Filed: March 29, 2005	:	
Attorney Docket No. OND-015	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 12, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed November 7, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 8, 2007. The Notice of Abandonment was mailed June 18, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (3).

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 other applicant has not given the one signing a power of attorney.

Therefore, as the petition is not signed by all the inventors and the record herein fails to disclose that petitioner herein (Christophe Moser) was ever given a power of attorney to act on behalf of all inventors listed, or that petitioner Christophe Moser 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 Terri Williams at (571) 272-2991.

Chris Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ONDAX, INC.
850 EAST DUARTE ROAD
MONROVIA CA 91016

MAILED

MAR 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Moser et al.	:	
Application No. 11/092,392	:	DECISION ON PETITION
Filed: March 29, 2005	:	
Attorney Docket No. OND-015	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 18, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to properly and timely reply to the final Office action mailed November 7, 2006. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on February 8, 2007. A Notice of Abandonment was mailed June 18, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) (previously submitted on August 12, 2008) and fee of $395.00 (previously paid on August 15, 2007) and the submission required by 37 CFR 1.114; (2) the petition fee of $750.00 (previously paid on August 15, 2007); and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

The file is now being forwarded to Technology Center 2874 for processing of the Request for Continued Examination under 37 CFR 1.114 filed previously on August 12, 2008.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAY 18 2007

OFFICE OF PETITIONS

LINER YANKELEVITZ SUNSHINE AND REGENSTREIF
1100 GLENDON AVENUE, 14TH FLOOR
LOS ANGELES CA 90024

In re Application of	:	
ISLAVA, Steven	:	
Application No. 11/092,393	:	DECISION ON PETITION
Filed: March 29, 2005	:	TO WITHDRAW
Attorney Docket No. **16035.900200**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 26, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Liner Yankelevitz Sunshine and Regenstreif has been revoked by the applicant of the patent application on February 15, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **MYERS DAWES ANDRAS & SHERMAN, LLP**
19900 MACARTHUR BLVD.,
SUITE 1150
IRVINE CA 92612

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/092,393	03/29/2005	Steven Islava	16035.900200

CONFIRMATION NO. 6916

OC000000023756102

23386
MYERS DAWES ANDRAS & SHERMAN, LLP
19900 MACARTHUR BLVD.,
SUITE 1150
IRVINE, CA 92612

Date Mailed: 05/08/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/15/2007.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Michelle R. Easer

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

ATTORNEY/APPLICANT COPY

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/092,393	03/29/2005	Steven Islava	16035.900200

CONFIRMATION NO. 6916

OC000000023755987

45783
LINER YANKELEVITZ SUNSHINE AND REGENSTREIF
1100 GLENDON AVENUE, 14TH FLOOR
LOS ANGELES, CA 90024

Date Mailed: 05/08/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/15/2007.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Michelle R. Eason
Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

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JUN 28 2005

GREG O' BRADOVICH, P.C.
295 Culver Street
Suite A
Lawrenceville, GA 30045

In re application of J. Grady Smith Application No. 11/092,411 Filed: March 29, 2005 For: RECREATIONAL FLOATATION APPARATUS	: : : :	**DECISION ON PETITION TO MAKE SPECIAL (APPLICANT'S AGE)**

This is a decision on the petition submitted on June 02, 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 birth certificate indicating Mr. Smith is at least 65 years of age.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.

Kenneth J. Dorner
Special Programs Examiner
Technology Center 3600
(571) 272-6587

KJD/slb: 06/15/05

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Shawn Hunter
P.O. Box 270110
Houston, TX 77277-0110

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SEP 0 4 2007

OFFICE OF PETITIONS

In re Application of
Richard D. Haun
Application No. 11/092,416
Filed: March 29, 2005
Attorney Docket No. OPE-1004-US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 22, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Shawn Hunter, the sole attorney in this case. Accordingly, Shawn Hunter has 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 assignee of the entire interest who has properly intervened under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to the sole inventor. A courtesy copy of this decision will be mailed to the address indicated in the request to withdraw. If this firm/company desire to receive future correspondence regarding this application, the proper power of attorney documents must be submitted.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Frances Hicks
Petitions Examiner
Office of Petitions

cc: Richard D. Haun
21411 Park Post Oak Lane
Katy, TX 77450

cc: Mr. Gabriel Barrientes
OPE, Inc.
10370 Richmond Avenue., Suite 1000
Houston, TX 77042

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/092,416	03/29/2005	Richard D. Haun	OPE-1004-US

CONFIRMATION NO. 7037

OC000000025539654

27447
SHAWN HUNTER
P.O Box 270110
HOUSTON, TX 77277-0110

Date Mailed: 08/24/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/22/2007.

- 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.

Kimberly Grabinet

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

FORMER ATTORNEY/AGENT COPY

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Michael P. Dilworth
CROMPTON CORPORATION
Benson Road
Middlebury CT 06749

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SEP 30 2008

OFFICE OF PETITIONS

In re Application of	:	
Mark A. Dekeyser, et al.	:	
Application No. 11/092,493	:	DECISION ON PETITION
Filed: March 28, 2005	:	
Attorney Docket No. 0243-CP	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 26, 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 February 29, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed November 30, 2007. Accordingly, the date of abandonment of this application is March 1, 2008. The Notice of Abandonment was mailed April 2, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,440 and the publication fee of $300, (2) the petition fee of $1,540; and (3) a proper statement of unintentional delay.

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.

Also, since the above cited application was in fact abandoned until this decision granting the petition under 37 CFR 1.137(b), the petition under 37 CFR 1.181 filed April 17, 2008 is not proper.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

This application is being referred to the Office of Data Management for processing into a patent.

Chris Bottorff
Petitions Examiner
Office of Petitions

cc: **Chemtura Corporation**
199 Benson Road
Middlebury, CT 06749

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/092,509	03/29/2005	1645	1000	MTC 2015.1 (37-21 (53566)	20	20	2

CONFIRMATION NO. 6840

CORRECTED FILING RECEIPT

OC000000016041654

000321
SENNIGER POWERS LEAVITT AND ROEDEL
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS, MO 63102

Date Mailed: 05/17/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Cindy L. Ludwig, St. Louis, MO;
Jeffrey A. Graham, Chesterfield, MO;
Kathleen S. Crowley, Webster Groves, MO;
Muhammad Anzar, Chesterfield, MO;

Assignment For Published Patent Application

Monsanto Technology LLC, St. Louis, MO

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

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 US11/092,509

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Use of a composition which regulates oxidation/reduction reactions intracellularly and/or extracellularly in a staining or sorting process

Preliminary Class

435

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Attention: Albert L. Schmeiser
Schmeiser, Olsen & Watts LLP
18 E. University Dr., Ste. 101
Mesa, AZ 85201-5946

Mail Date: 06/18/2010

Applicant	: Sang-Yun Lee	: DECISION ON REQUEST FOR
Patent Number	: 7633162	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/092,521	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **785** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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REISING ETHINGTON P.C.
P O BOX 4390
TROY, MI 48099-4390

Mail Date: 04/21/2010

Applicant	: George M. Pattullo	: DECISION ON REQUEST FOR
Patent Number	: 7600505	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/092,532	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **726** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON, DC 20006

Mail Date: 06/03/2010

Applicant	: Daniel Lecomte	: DECISION ON REQUEST FOR
Patent Number	: 7630492	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/092,533	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1289** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Liniak Berenato Longacre and White
6550 Rock Spring Drive, Suite 240
Bethesda, MD 20817

In re Application of

Akira **MIURA**, et al.
Application No. 11/092,547
Filed: March 29, 2005
Attorney Docket No. 25620.0005

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed January 5, 2006.

The request is **NOT APPROVED**.

A review of the file record indicates that Thomas P. Liniak does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to Monica A. Graves at 571-272-7253.

Amelia Au
Petitions Examiner
Office of Petitions

cc: **BINGHAM MCCUTCHEN LLP**
3000 K STREET, NW
BOX IP
WASHINGTON DC 20007

UNITED STATES PATENT AND TRADEMARK OFFICE

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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 04/23/2010

Applicant	: Naoaki Oodaira	: DECISION ON REQUEST FOR
Patent Number	: 7610060	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/092,562	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1224** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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2100 PENNSYLVANIA AVENUE, N.W.
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WASHINGTON, DC 20037

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OFFICE OF PETITIONS

In re Application of :
Jan Topholm :
Application No.: 11/092,609 : ON PETITION
Filed: March 30, 2005 :
Attorney Docket No.: Q87013 :

This is a decision on the petition, filed November 2, 2009, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 29, 2009, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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 3726 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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OFFICE OF PETITIONS

In re Application of
Akiyama et al.
Application No. 11/092,711
Filed: March 30, 2005
Attorney Docket No. 116511-00156

Decision on Petition

This is a decision on the petition filed June 7, 2005, which is being treated as a petition under 37 CFR 1.53(e)(2), to establish that Figures 9A-9C were part of the originally filed application.

The application was filed on March 30, 2005. On April 26, 2005, a Notice was mailed stating that Figures 9A-9C described in the specification did not appear to be included as part of the application filed.

The present petition alleges that Figures 9A-9C were deposited on March 30, 2005. In support, petitioner has submitted a postcard receipt which acknowledges receipt of 9 sheets of drawings on March 30, 2005.[1] The USPTO file for this application includes only 8 sheets of drawings and does not include the drawing sheet containing Figures 9A-9C described in the specification. Based on the evidence submitted, the Office concludes the missing page was part of the application but were later misplaced. Therefore, the petition is **granted**.

The petition fee of $400 will be credited to petitioner's deposit account.

The Notice mailed March 30, 2005, is hereby vacated to the extent the Notice states Figures 9A-9C are missing.

The Office of Initial Patent Examination will process the application with a filing date of March 30, 2005, using the application papers filed on March 30, 2005, and the copy of the drawing sheet containing Figures 9A-9C filed on June 7, 2005.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

[1] Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

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400 SEVENTH ST NW
SUITE 700
WASHINGTON DC 20004

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AUG 17 2005

OFFICE OF PETITIONS

In re Application of	:	
Cummins, et al.	:	
Application No. 11/092,725	:	ON PETITION
Filed: March 30, 2005	:	
Attorney Docket No. P69644US1		

This is a decision on the "PETITION UNDER 37 CFR 1.183", filed June 7, 2005.

The petition under 37 CFR 1.181 is **DISMISSED**.

The application was filed on March 30, 2005. Accompanying the application were the following fees paid as a small entity: $150 application filing fee, $250 utility search fee, $100 examination fee, and $425 for claims in excess of 20.

The application as filed contained 37 total claims, including 1 independent claim. However, claim no. 33 was a multiple dependent claim, as it referred directly to all the preceding 32 claims in the alternative.[1] Likewise, claim nos. 34-37 were also multiple dependent claims, as each claim depended indirectly from multiple dependent claim no. 33. Accordingly, while the application as filed contained 37 total claims, for fee purposes the application contained 192 chargeable claims. As this number is 172 in excess of 20, applicant owed for 172 claims, or $4300 (172 claims x $25 per claim in excess of 20).[2] In addition, as

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[1] Claim no. 33 read, in pertinent part, "A method of producing a sensor device *of any preceding claim*, the method comprising the steps of..." Emphasis added.

[2] For a discussion of claim fee calculation, see C.F.R. § 1.75 and MPEP 608.01(n).

multiple dependent claims were present, applicant owed an additional fee of $180. A copy of the "Patent Application Fee Determination Record" is enclosed for petitioner's convenience.

In summary, the following fees were due on filing: $150 application filing fee, $180 multiple dependent claim fee, and $4300 for the 172 chargeable claims, or a total of $4630. Not counting the $250 utility search fee and $100 examination fee, applicant submitted $575 ($150 application filing fee, $425 excess claims fees).[3] Accordingly, the balance of $4,055 was charged to applicant's deposit account.

37 CFR 1.183 states:

> In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Commissioner or the Commissioner's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(h).

Petitioner has not demonstrated that this is an extraordinary situation where justice requires waiver of the rules. The instant scenario is one that could have been avoided with the reasonable exercise of due care.

Furthermore, 35 U.S.C. 42(d) and 37 C.F.R. §1.26 provides that the Director may refund any fee paid by mistake or any amount paid in excess of that required. 37 C.F.R. §1.26 further states that a change of purpose after the payment of a fee will not entitle a party to a refund of such fee. The statutory authorization for the refund of fees under the "by mistake" clause of 35 U.S.C. 42(d) is applicable only to a mistake relating to the fee payment. See Ex parte Grady, 59 USPQ 276, 277 (Comm'r Pat. 1943) and also see MPEP 607.02. In this case, the excess claims fee was required at the time of payment. Thus, the excess claims fee was not paid by mistake within the meaning of 35 U.S.C. 42(d) and §1.26. 35 U.S.C. 42(d) is a statutory requirement and can not be waived.

The application is being forwarded to Group Art Unit 2813 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: Patent Application Fee Determination Record (1 page)

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[3] See 35 U.S.C. 41(a)(2).

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MAY 30 2006

OFFICE OF PETITIONS

In re Application of	:	
De Jonge et al.	:	DECISION ON PETITION TO
Application No. 11/092,781	:	WITHDRAW HOLDING OF
Filed: 28 March, 2005	:	ABANDONMENT
Attorney Docket No. PLUSP0261C1	:	

This is a decision on the petition filed on 20 March, 2006, which is treated as a petition to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned on 2 September, 2005, for failure to timely respond to the Office action requiring restriction or election mailed on 1 August, 2005, 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 7 March, 2006.

Petitioner asserts that an response to the restriction requirement was timely filed. In support, petitioner has supplied a copy of a reply, the first page of which contains a Certificate of Transmission dated 30 August, 2005, and signed by Tara Hayden. Petitioner has also included a statement by Ms. Hayden attesting to her personal knowledge that the response was placed in first class mailed on 30 August, 2005.

A review of the document submitted reveals that the response to the restriction requirement did not contain the application number

Under current Office procedure, a response that has an incorrect serial number is handled in accordance with MPEP 508.03. If a paper having an incorrect serial number contains sufficient information to identify the correct application and was timely received at the PTO, the holding of abandonment will be withdrawn.

The first named inventor's last name, title of invention, filing date, attorney docket number, Examiner's name, and Art Unit are correctly stated on the reply. In reviewing the papers which were submitted, it is therefore concluded that there was sufficient information thereon to associate the papers with the instant file.

As petitioners have provided convincing evidence that an amendment was transmitted to the USPTO on 3 August, 2005, the showing of record is that a response was timely filed, and there is no abandonment in fact. Any inconvenience caused to applicant is regretted.

The application is being referred to Technology Center Art Unit 1746 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 05/05/2010

Applicant	: Michael Maschke	: DECISION ON REQUEST FOR
Patent Number	: 7637885	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/092,790	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/29/2005	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **329** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

In re Application of	:	
Robert David CORLEY, et *al.*	:	
Application No. 11/092,798	:	DECISION GRANTING PETITION
Filed: March 28, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **062891.1396**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 24, 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 June 2, 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 Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 2437 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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OFFICE OF PETITIONS

In re Application of :
Joseph C. Trautman et al. :
Application No. 11/092,800 : ON PETITION
Filed: March 28, 2005 :
Attorney Docket Number: ARC 3043 CIP :

This is a decision on the petition under 37 CFR 1.137(b),[1] filed February 27, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned July 7, 2005, for failure to timely reply to the Notice to File Missing Parts mailed on May 6, 2005, which set a two (2) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained prior to the abandonment. Accordingly, a Notice of Abandonment was mailed January 30, 2005.

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[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The 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)).

Receipt of the replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121, and the oath or declaration in compliance with 37 CFR 1.63 is acknowledged.

The application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Atsushi Tabata et al	:	
Application No. 11/092,819	:	DECISION GRANTING PETITION
Filed: March 30, 2005	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 11835/18	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 30, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 14, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3681 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*